

**Calendar No. 221**

110TH CONGRESS  
1ST SESSION

**S. 1696**

**[Report No. 110–91]**

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 26, 2007

Mrs. FEINSTEIN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Department of the Interior, environment, and related  
6       agencies for the fiscal year ending September 30, 2008,  
7       and for other purposes, namely:

1 TITLE I  
2 DEPARTMENT OF THE INTERIOR  
3 BUREAU OF LAND MANAGEMENT  
4 MANAGEMENT OF LANDS AND RESOURCES

5 For necessary expenses for protection, use, improve-  
6 ment, development, disposal, cadastral surveying, classi-  
7 fication, acquisition of easements and other interests in  
8 lands, and performance of other functions, including main-  
9 tenance of facilities, as authorized by law, in the manage-  
10 ment of lands and their resources under the jurisdiction  
11 of the Bureau of Land Management, including the general  
12 administration of the Bureau, and assessment of mineral  
13 potential of public lands pursuant to Public Law 96–487  
14 (16 U.S.C. 3150(a)), \$902,883,000, to remain available  
15 until expended, of which \$1,250,000 is for high priority  
16 projects, to be carried out by the Youth Conservation  
17 Corps; and of which \$3,000,000 shall be available in fiscal  
18 year 2007 subject to a match by at least an equal amount  
19 by the National Fish and Wildlife Foundation for cost-  
20 shared projects supporting conservation of Bureau lands;  
21 and such funds shall be advanced to the Foundation as  
22 a lump sum grant without regard to when expenses are  
23 incurred.

24 In addition, \$34,696,000 is for Mining Law Adminis-  
25 tration program operations, including the cost of admin-

1 istering the mining claim fee program; to remain available  
 2 until expended, to be reduced by amounts collected by the  
 3 Bureau and credited to this appropriation from annual  
 4 mining claim fees so as to result in a final appropriation  
 5 estimated at not more than \$902,883,000, and  
 6 \$2,000,000, to remain available until expended, from com-  
 7 munication site rental fees established by the Bureau for  
 8 the cost of administering communication site activities.

9 WILDLAND FIRE MANAGEMENT

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses for fire preparedness, sup-  
 12 pression operations, fire science and research, emergency  
 13 rehabilitation, hazardous fuels reduction, and rural fire as-  
 14 sistance by the Department of the Interior, \$829,524,000,  
 15 to remain available until expended, of which not to exceed  
 16 \$7,734,000 shall be for the renovation or construction of  
 17 fire facilities: *Provided*, That such funds are also available  
 18 for repayment of advances to other appropriation accounts  
 19 from which funds were previously transferred for such  
 20 purposes: *Provided further*, That persons hired pursuant  
 21 to 43 U.S.C. 1469 may be furnished subsistence and lodg-  
 22 ing without cost from funds available from this appropria-  
 23 tion: *Provided further*, That notwithstanding 42 U.S.C.  
 24 1856d, sums received by a bureau or office of the Depart-  
 25 ment of the Interior for fire protection rendered pursuant  
 26 to 42 U.S.C. 1856 et seq., protection of United States

1 property, may be credited to the appropriation from which  
2 funds were expended to provide that protection, and are  
3 available without fiscal year limitation: *Provided further*,  
4 That using the amounts designated under this title of this  
5 Act, the Secretary of the Interior may enter into procure-  
6 ment contracts, grants, or cooperative agreements, for  
7 hazardous fuels reduction activities, and for training and  
8 monitoring associated with such hazardous fuels reduction  
9 activities, on Federal land, or on adjacent non-Federal  
10 land for activities that benefit resources on Federal land:  
11 *Provided further*, That the costs of implementing any co-  
12 operative agreement between the Federal Government and  
13 any non-Federal entity may be shared, as mutually agreed  
14 on by the affected parties: *Provided further*, That notwith-  
15 standing requirements of the Competition in Contracting  
16 Act, the Secretary, for purposes of hazardous fuels reduc-  
17 tion activities, may obtain maximum practicable competi-  
18 tion among: (1) local private, nonprofit, or cooperative en-  
19 tities; (2) Youth Conservation Corps crews or related part-  
20 nerships with State, local, or non-profit youth groups; (3)  
21 small or micro-businesses; or (4) other entities that will  
22 hire or train locally a significant percentage, defined as  
23 50 percent or more, of the project workforce to complete  
24 such contracts: *Provided further*, That in implementing  
25 this section, the Secretary shall develop written guidance

1 to field units to ensure accountability and consistent appli-  
2 cation of the authorities provided herein: *Provided further*,  
3 That funds appropriated under this head may be used to  
4 reimburse the United States Fish and Wildlife Service and  
5 the National Marine Fisheries Service for the costs of car-  
6 rying out their responsibilities under the Endangered Spe-  
7 cies Act of 1973 (16 U.S.C. 1531 et seq.) to consult and  
8 conference, as required by section 7 of such Act, in con-  
9 nection with wildland fire management activities: *Provided*  
10 *further*, That the Secretary of the Interior may use  
11 wildland fire appropriations to enter into non-competitive  
12 sole source leases of real property with local governments,  
13 at or below fair market value, to construct capitalized im-  
14 provements for fire facilities on such leased properties, in-  
15 cluding but not limited to fire guard stations, retardant  
16 stations, and other initial attack and fire support facilities,  
17 and to make advance payments for any such lease or for  
18 construction activity associated with the lease: *Provided*  
19 *further*, That the Secretary of the Interior and the Sec-  
20 retary of Agriculture may authorize the transfer of funds  
21 appropriated for wildland fire management, in an aggre-  
22 gate amount not to exceed \$10,000,000, between the De-  
23 partments when such transfers would facilitate and expe-  
24 dite jointly funded wildland fire management programs  
25 and projects: *Provided further*, That funds provided for

1 wildfire suppression shall be available for support of Fed-  
2 eral emergency response actions.

3 CONSTRUCTION

4 For construction of buildings, recreation facilities,  
5 roads, trails, and appurtenant facilities, \$11,476,000, to  
6 remain available until expended.

7 LAND ACQUISITION

8 For expenses necessary to carry out sections 205,  
9 206, and 318(d) of Public Law 94–579, including admin-  
10 istrative expenses and acquisition of lands or waters, or  
11 interests therein, \$12,206,000, to be derived from the  
12 Land and Water Conservation Fund and to remain avail-  
13 able until expended.

14 OREGON AND CALIFORNIA GRANT LANDS

15 For expenses necessary for management, protection,  
16 and development of resources and for construction, oper-  
17 ation, and maintenance of access roads, reforestation, and  
18 other improvements on the revested Oregon and California  
19 Railroad grant lands, on other Federal lands in the Or-  
20 egon and California land-grant counties of Oregon, and  
21 on adjacent rights-of-way; and acquisition of lands or in-  
22 terests therein, including existing connecting roads on or  
23 adjacent to such grant lands; \$110,242,000, to remain  
24 available until expended: *Provided*, That 25 percent of the  
25 aggregate of all receipts during the current fiscal year  
26 from the revested Oregon and California Railroad grant

lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND  
(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under

1 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.  
 2 315 et seq.) and the amount designated for range improve-  
 3 ments from grazing fees and mineral leasing receipts from  
 4 Bankhead-Jones lands transferred to the Department of  
 5 the Interior pursuant to law, but not less than  
 6 \$10,000,000, to remain available until expended: *Pro-*  
 7 *vided*, That not to exceed \$600,000 shall be available for  
 8 administrative expenses.

9 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

10 For administrative expenses and other costs related  
 11 to processing application documents and other authoriza-  
 12 tions for use and disposal of public lands and resources,  
 13 for costs of providing copies of official public land docu-  
 14 ments, for monitoring construction, operation, and termi-  
 15 nation of facilities in conjunction with use authorizations,  
 16 and for rehabilitation of damaged property, such amounts  
 17 as may be collected under Public Law 94–579, as amend-  
 18 ed, and Public Law 93–153, to remain available until ex-  
 19 pended: *Provided*, That, notwithstanding any provision to  
 20 the contrary of section 305(a) of Public Law 94–579 (43  
 21 U.S.C. 1735(a)), any moneys that have been or will be  
 22 received pursuant to that section, whether as a result of  
 23 forfeiture, compromise, or settlement, if not appropriate  
 24 for refund pursuant to section 305(c) of that Act (43  
 25 U.S.C. 1735(c)), shall be available and may be expended  
 26 under the authority of this Act by the Secretary to im-



1 prove, protect, or rehabilitate any public lands adminis-  
2 tered through the Bureau of Land Management which  
3 have been damaged by the action of a resource developer,  
4 purchaser, permittee, or any unauthorized person, without  
5 regard to whether all moneys collected from each such ac-  
6 tion are used on the exact lands damaged which led to  
7 the action: *Provided further*, That any such moneys that  
8 are in excess of amounts needed to repair damage to the  
9 exact land for which funds were collected may be used to  
10 repair other damaged public lands.

11 MISCELLANEOUS TRUST FUNDS

12 In addition to amounts authorized to be expended  
13 under existing laws, there is hereby appropriated such  
14 amounts as may be contributed under section 307 of the  
15 Act of October 21, 1976 (43 U.S.C. 1701), and such  
16 amounts as may be advanced for administrative costs, sur-  
17 veys, appraisals, and costs of making conveyances of omit-  
18 ted lands under section 211(b) of that Act, to remain  
19 available until expended.

20 ADMINISTRATIVE PROVISIONS

21 Appropriations for the Bureau of Land Management  
22 shall be available for purchase, erection, and dismantle-  
23 ment of temporary structures, and alteration and mainte-  
24 nance of necessary buildings and appurtenant facilities to  
25 which the United States has title; up to \$100,000 for pay-  
26 ments, at the discretion of the Secretary, for information

1 or evidence concerning violations of laws administered by  
2 the Bureau; miscellaneous and emergency expenses of en-  
3 forcement activities authorized or approved by the Sec-  
4 retary and to be accounted for solely on his certificate,  
5 not to exceed \$10,000: *Provided*, That notwithstanding 44  
6 U.S.C. 501, the Bureau may, under cooperative cost-shar-  
7 ing and partnership arrangements authorized by law, pro-  
8 cure printing services from cooperators in connection with  
9 jointly produced publications for which the cooperators  
10 share the cost of printing either in cash or in services,  
11 and the Bureau determines the cooperator is capable of  
12 meeting accepted quality standards.

13 Section 28 of title 30, United States Code, is amend-  
14 ed:

15 (1) in section 28 by striking the phrase “shall  
16 commence at 12 o’clock meridian on the first day of  
17 September” and inserting “shall commence at 12:01  
18 ante meridian on the first day of September”;

19 (2) in section 28f(a), by striking the phrase  
20 “for years 2004 through 2008”; and

21 (3) in section 28g, by striking the phrase “and  
22 before September 30, 2008,”.

1 UNITED STATES FISH AND WILDLIFE SERVICE  
2 RESOURCE MANAGEMENT

3 For necessary expenses of the United States Fish and  
4 Wildlife Service, as authorized by law, and for scientific  
5 and economic studies, maintenance of the herd of long-  
6 horned cattle on the Wichita Mountains Wildlife Refuge,  
7 general administration, and for the performance of other  
8 authorized functions related to such resources by direct  
9 expenditure, contracts, grants, cooperative agreements  
10 and reimbursable agreements with public and private enti-  
11 ties, \$1,079,772,000, to remain available until September  
12 30, 2008, except as otherwise provided herein: *Provided*,  
13 That \$2,500,000 is for high priority projects, which shall  
14 be carried out by the Youth Conservation Corps: *Provided*  
15 *further*, That not to exceed \$18,763,000 shall be used for  
16 implementing subsections (a), (b), (c), and (e) of section  
17 4 of the Endangered Species Act, as amended, for species  
18 that are indigenous to the United States (except for proc-  
19 essing petitions, developing and issuing proposed and final  
20 regulations, and taking any other steps to implement ac-  
21 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or  
22 (c)(2)(B)(ii)), of which not to exceed \$13,026,000 shall  
23 be used for any activity regarding the designation of crit-  
24 ical habitat, pursuant to subsection (a)(3), excluding liti-  
25 gation support, for species listed pursuant to subsection

1 (a)(1) prior to October 1, 2006: *Provided further*, That  
 2 of the amount available for law enforcement, up to  
 3 \$400,000, to remain available until expended, may at the  
 4 discretion of the Secretary be used for payment for infor-  
 5 mation, rewards, or evidence concerning violations of laws  
 6 administered by the Service, and miscellaneous and emer-  
 7 gency expenses of enforcement activity, authorized or ap-  
 8 proved by the Secretary and to be accounted for solely on  
 9 his certificate: *Provided further*, That of the amount pro-  
 10 vided for environmental contaminants, up to \$1,000,000  
 11 may remain available until expended for contaminant sam-  
 12 ple analyses.

#### 13 CONSTRUCTION

14 For construction, improvement, acquisition, or re-  
 15 moval of buildings and other facilities required in the con-  
 16 servation, management, investigation, protection, and uti-  
 17 lization of fishery and wildlife resources, and the acquisi-  
 18 tion of lands and interests therein; \$36,700,000, to remain  
 19 available until expended.

#### 20 LAND ACQUISITION

21 For expenses necessary to carry out the Land and  
 22 Water Conservation Fund Act of 1965, as amended (16  
 23 U.S.C. 460l-4 through 11), including administrative ex-  
 24 penses, and for acquisition of land or waters, or interest  
 25 therein, in accordance with statutory authority applicable  
 26 to the United States Fish and Wildlife Service,

1 \$43,044,000, to be derived from the Land and Water Con-  
 2 servation Fund and to remain available until expended,  
 3 of which, notwithstanding 16 U.S.C. 460l-9, not more  
 4 than \$2,000,000 shall be for land conservation partner-  
 5 ships authorized by the Highlands Conservation Act of  
 6 2004: *Provided*, That none of the funds appropriated for  
 7 specific land acquisition projects can be used to pay for  
 8 any administrative overhead, planning or other manage-  
 9 ment costs.

10 COOPERATIVE ENDANGERED SPECIES CONSERVATION  
 11 FUND

12 For expenses necessary to carry out section 6 of the  
 13 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),  
 14 as amended, \$80,001,000, to remain available until ex-  
 15 pended, of which \$25,228,000 is to be derived from the  
 16 Cooperative Endangered Species Conservation Fund and  
 17 \$54,773,000 is to be derived from the Land and Water  
 18 Conservation Fund, to remain available until expended, of  
 19 which \$5,066,666 shall be for the Idaho Salmon and  
 20 Clearwater River Basins Habitat Account pursuant to the  
 21 Snake River Water Rights Act of 2004.

22 NATIONAL WILDLIFE REFUGE FUND

23 For expenses necessary to implement the Act of Octo-  
 24 ber 17, 1978 (16 U.S.C. 715s), \$14,202,000.

1 NORTH AMERICAN WETLANDS CONSERVATION FUND

2 For expenses necessary to carry out the provisions  
3 of the North American Wetlands Conservation Act, Public  
4 Law 101–233, as amended, \$42,646,000, to remain avail-  
5 able until expended.

6 NEOTROPICAL MIGRATORY BIRD CONSERVATION

7 For expenses necessary to carry out the Neotropical  
8 Migratory Bird Conservation Act, as amended, (16 U.S.C.  
9 6101 et seq.), \$4,000,000, to remain available until ex-  
10 pended.

11 MULTINATIONAL SPECIES CONSERVATION FUND

12 For expenses necessary to carry out the African Ele-  
13 phant Conservation Act (16 U.S.C. 4201–4203, 4211–  
14 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-  
15 phant Conservation Act of 1997 (16 U.S.C. 4261–4266),  
16 the Rhinoceros and Tiger Conservation Act of 1994 (16  
17 U.S.C. 5301–5306), the Great Ape Conservation Act of  
18 2000 (16 U.S.C. 6301), and the Marine Turtle Conserva-  
19 tion Act of 2004 (16 U.S.C. 6601), \$8,000,000, to remain  
20 available until expended.

21 STATE AND TRIBAL WILDLIFE GRANTS

22 For wildlife conservation grants to States and to the  
23 District of Columbia, Puerto Rico, Guam, the United  
24 States Virgin Islands, the Northern Mariana Islands,  
25 American Samoa, and federally recognized Indian tribes  
26 under the provisions of the Fish and Wildlife Act of 1956

1 and the Fish and Wildlife Coordination Act, for the devel-  
2 opment and implementation of programs for the benefit  
3 of wildlife and their habitat, including species that are not  
4 hunted or fished, \$72,492,000, to remain available until  
5 expended: *Provided*, That of the amount provided herein,  
6 \$5,912,000 is for a competitive grant program for Indian  
7 tribes, not subject to the remaining provisions of this ap-  
8 propriation: *Provided further*, That \$5,000,000 is for a  
9 competitive grant program for States, territories, and  
10 other jurisdictions with approved plans, not subject to the  
11 remaining provisions of this appropriation: *Provided fur-*  
12 *ther*, That the Secretary shall, after deducting said  
13 \$10,912,000 and administrative expenses, apportion the  
14 amount provided herein in the following manner: (1) to  
15 the District of Columbia and to the Commonwealth of  
16 Puerto Rico, each a sum equal to not more than one-half  
17 of 1 percent thereof; and (2) to Guam, American Samoa,  
18 the United States Virgin Islands, and the Commonwealth  
19 of the Northern Mariana Islands, each a sum equal to not  
20 more than one-fourth of 1 percent thereof: *Provided fur-*  
21 *ther*, That the Secretary shall apportion the remaining  
22 amount in the following manner: (1) one-third of which  
23 is based on the ratio to which the land area of such State  
24 bears to the total land area of all such States; and (2)  
25 two-thirds of which is based on the ratio to which the pop-

1 ulation of such State bears to the total population of all  
2 such States: *Provided further*, That the amounts appor-  
3 tioned under this paragraph shall be adjusted equitably  
4 so that no State shall be apportioned a sum which is less  
5 than 1 percent of the amount available for apportionment  
6 under this paragraph for any fiscal year or more than 5  
7 percent of such amount: *Provided further*, That the Fed-  
8 eral share of planning grants shall not exceed 75 percent  
9 of the total costs of such projects and the Federal share  
10 of implementation grants shall not exceed 50 percent of  
11 the total costs of such projects: *Provided further*, That the  
12 non-Federal share of such projects may not be derived  
13 from Federal grant programs: *Provided further*, That no  
14 State, territory, or other jurisdiction shall receive a grant  
15 if its comprehensive wildlife conservation plan is dis-  
16 approved and such funds that would have been distributed  
17 to such State, territory, or other jurisdiction shall be dis-  
18 tributed equitably to States, territories, and other jurisdic-  
19 tions with approved plans: *Provided further*, That any  
20 amount apportioned in 2008 to any State, territory, or  
21 other jurisdiction that remains unobligated as of Sep-  
22 tember 30, 2009, shall be reapportioned, together with  
23 funds appropriated in 2010, in the manner provided here-  
24 in.



## 1 ADMINISTRATIVE PROVISIONS

2 Appropriations and funds available to the United  
3 States Fish and Wildlife Service shall be available for pur-  
4 chase of passenger motor vehicles; repair of damage to  
5 public roads within and adjacent to reservation areas  
6 caused by operations of the Service; options for the pur-  
7 chase of land at not to exceed \$1 for each option; facilities  
8 incident to such public recreational uses on conservation  
9 areas as are consistent with their primary purpose; and  
10 the maintenance and improvement of aquaria, buildings,  
11 and other facilities under the jurisdiction of the Service  
12 and to which the United States has title, and which are  
13 used pursuant to law in connection with management, and  
14 investigation of fish and wildlife resources: *Provided*, That  
15 notwithstanding 44 U.S.C. 501, the Service may, under  
16 cooperative cost sharing and partnership arrangements  
17 authorized by law, procure printing services from coopera-  
18 tors in connection with jointly produced publications for  
19 which the cooperators share at least one-half the cost of  
20 printing either in cash or services and the Service deter-  
21 mines the cooperator is capable of meeting accepted qual-  
22 ity standards: *Provided further*, That, notwithstanding any  
23 other provision of law, the Service may use up to  
24 \$2,000,000 from funds provided for contracts for employ-  
25 ment-related legal services: *Provided further*, That the

1 Service may accept donated aircraft as replacements for  
2 existing aircraft: *Provided further*, That, notwithstanding  
3 any other provision of law, the Secretary of the Interior  
4 may not spend any of the funds appropriated in this Act  
5 for the purchase of lands or interests in lands to be used  
6 in the establishment of any new unit of the National Wild-  
7 life Refuge System unless the purchase is approved in ad-  
8 vance by the House and Senate Committees on Appropria-  
9 tions in compliance with the reprogramming procedures  
10 contained in the statement of the managers accompanying  
11 this Act.

## 12 NATIONAL PARK SERVICE

### 13 OPERATION OF THE NATIONAL PARK SYSTEM

14 For expenses necessary for the management, oper-  
15 ation, and maintenance of areas and facilities adminis-  
16 tered by the National Park Service (including special road  
17 maintenance service to trucking permittees on a reimburs-  
18 able basis), and for the general administration of the Na-  
19 tional Park Service, \$1,958,687,000, of which \$9,965,000  
20 is for planning and interagency coordination in support  
21 of Everglades restoration and shall remain available until  
22 expended; of which \$100,164,000, to remain available  
23 until September 30, 2009, is for maintenance, repair or  
24 rehabilitation projects for constructed assets, operation of  
25 the National Park Service automated facility management

1 software system, and comprehensive facility condition as-  
 2 sessments; and of which \$3,000,000 is for the Youth Con-  
 3 servation Corps for high priority projects: *Provided*, That  
 4 the only funds in this account which may be made avail-  
 5 able to support United States Park Police are those funds  
 6 approved for emergency law and order incidents pursuant  
 7 to established National Park Service procedures, those  
 8 funds needed to maintain and repair United States Park  
 9 Police administrative facilities, and those funds necessary  
 10 to reimburse the United States Park Police account for  
 11 the unbudgeted overtime and travel costs associated with  
 12 special events for an amount not to exceed \$10,000 per  
 13 event subject to the review and concurrence of the Wash-  
 14 ington headquarters office.

15 UNITED STATES PARK POLICE

16 For expenses necessary to carry out the programs of  
 17 the United States Park Police, \$88,122,000.

18 NATIONAL RECREATION AND PRESERVATION

19 For expenses necessary to carry out recreation pro-  
 20 grams, natural programs, cultural programs, heritage  
 21 partnership programs, environmental compliance and re-  
 22 view, international park affairs, statutory or contractual  
 23 aid for other activities, and grant administration, not oth-  
 24 erwise provided for, \$63,756,000, of which not to exceed  
 25 \$5,000,000 may be for Preserve America grants to States,  
 26 Tribes, and local communities for projects that preserve

1 important historic resources through the promotion of her-  
 2 itage tourism: *Provided*, That any individual Preserve  
 3 America grant shall be matched by non-Federal funds:  
 4 *Provided further*, That individual projects shall only be eli-  
 5 gible for one grant: *Provided further*, That grants shall  
 6 be approved by the Secretary of the Interior in consulta-  
 7 tion with the House and Senate Committees on Appropria-  
 8 tions, and in consultation with the Advisory Council on  
 9 Historic Preservation prior to the commitment of grant  
 10 funds: *Provided further*, That none of the funds in this  
 11 Act for the Rivers, Trails and Conservation Assistance  
 12 program may be used for cash agreements, or for coopera-  
 13 tive agreements that are inconsistent with the program's  
 14 final strategic plan.

#### 15 HISTORIC PRESERVATION FUND

16 For expenses necessary in carrying out the Historic  
 17 Preservation Act of 1966, as amended (16 U.S.C. 470),  
 18 and the Omnibus Parks and Public Lands Management  
 19 Act of 1996 (Public Law 104–333), \$75,000,000, to be  
 20 derived from the Historic Preservation Fund and to re-  
 21 main available until September 30, 2009, of which  
 22 \$30,000,000 shall be for Save America's Treasures for  
 23 preservation of nationally significant sites, structures, and  
 24 artifacts: *Provided*, That any individual Save America's  
 25 Treasures grant shall be matched by non-Federal funds:  
 26 *Provided further*, That individual projects shall only be eli-

1 gible for one grant: *Provided further*, That competitive  
 2 projects to be funded shall be approved by the Secretary  
 3 of the Interior in consultation with the House and Senate  
 4 Committees on Appropriations, and in consultation with  
 5 the President's Committee on the Arts and Humanities  
 6 prior to the commitment of grant funds: *Provided further*,  
 7 That Save America's Treasures funds allocated for Fed-  
 8 eral projects, following approval, shall be available by  
 9 transfer to appropriate accounts of individual agencies.

#### 10 CONSTRUCTION

11 For construction, improvements, repair or replace-  
 12 ment of physical facilities, including the modifications au-  
 13 thorized by section 104 of the Everglades National Park  
 14 Protection and Expansion Act of 1989, \$227,154,000, to  
 15 remain available until expended: *Provided*, That none of  
 16 the funds available to the National Park Service may be  
 17 used to plan, design, or construct any partnership project  
 18 with a total value in excess of \$5,000,000, without ad-  
 19 vance approval of the House and Senate Committees on  
 20 Appropriations: *Provided further*, That notwithstanding  
 21 any other provision of law, the National Park Service may  
 22 not accept donations or services associated with the plan-  
 23 ning, design, or construction of such new facilities without  
 24 advance approval of the House and Senate Committees on  
 25 Appropriations: *Provided further*, That funds provided  
 26 under this heading for implementation of modified water

1 deliveries to Everglades National Park shall be expended  
2 consistent with the requirements of the fifth proviso under  
3 this heading in Public Law 108–108: *Provided further*,  
4 That funds provided under this heading for implementa-  
5 tion of modified water deliveries to Everglades National  
6 Park shall be available for obligation only if matching  
7 funds are appropriated to the Army Corps of Engineers  
8 for the same purpose: *Provided further*, That none of the  
9 funds provided under this heading for implementation of  
10 modified water deliveries to Everglades National Park  
11 shall be available for obligation if any of the funds appro-  
12 priated to the Army Corps of Engineers for the purpose  
13 of implementing modified water deliveries, including final-  
14 izing detailed engineering and design documents for a  
15 bridge or series of bridges for the Tamiami Trail compo-  
16 nent of the project, becomes unavailable for obligation:  
17 *Provided further*, That of the funds made available under  
18 this heading, not to exceed \$3,800,000 is authorized to  
19 be used for the National Park Service’s proportionate cost  
20 of upgrading the West Yellowstone/Hebgen Basin (Gal-  
21 latin County, Montana) municipal solid waste disposal sys-  
22 tem for the processing and disposal of municipal solid  
23 waste generated within Yellowstone National Park: *Pro-*  
24 *vided further*, That future fees paid by the National Park  
25 Service to the West Yellowstone/Hebgen Basin Solid

1 Waste District will be restricted to operations and mainte-  
2 nance costs of the facility, given the capital contribution  
3 made by the National Park Service.

4 LAND AND WATER CONSERVATION FUND  
5 (RESCISSION)

6 The contract authority provided for fiscal year 2008  
7 by 16 U.S.C. 460l–10a is rescinded.

8 LAND ACQUISITION AND STATE ASSISTANCE

9 For expenses necessary to carry out the Land and  
10 Water Conservation Act of 1965, as amended (16 U.S.C.  
11 460l–4 through 11), including administrative expenses,  
12 and for acquisition of lands or waters, or interest therein,  
13 in accordance with the statutory authority applicable to  
14 the National Park Service, \$78,700,000, to be derived  
15 from the Land and Water Conservation Fund and to re-  
16 main available until expended, of which \$30,000,000 is for  
17 the State assistance program including \$1,675,000 for  
18 program administration: *Provided*, That none of the funds  
19 provided for the State assistance program may be used  
20 to establish a contingency fund.

21 ADMINISTRATIVE PROVISIONS

22 In addition to other uses set forth in section 407(d)  
23 of Public Law 105–391, franchise fees credited to a sub-  
24 account shall be available for expenditure by the Sec-  
25 retary, without further appropriation, for use at any unit  
26 within the National Park System to extinguish or reduce

1 liability for Possessory Interest or leasehold surrender in-  
2 terest. Such funds may only be used for this purpose to  
3 the extent that the benefiting unit anticipated franchise  
4 fee receipts over the term of the contract at that unit ex-  
5 ceed the amount of funds used to extinguish or reduce  
6 liability. Franchise fees at the benefiting unit shall be  
7 credited to the sub-account of the originating unit over  
8 a period not to exceed the term of a single contract at  
9 the benefiting unit, in the amount of funds so expended  
10 to extinguish or reduce liability.

11 UNITED STATES GEOLOGICAL SURVEY

12 SURVEYS, INVESTIGATIONS, AND RESEARCH

13 For expenses necessary for the United States Geo-  
14 logical Survey to perform surveys, investigations, and re-  
15 search covering topography, geology, hydrology, biology,  
16 and the mineral and water resources of the United States,  
17 its territories and possessions, and other areas as author-  
18 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as  
19 to their mineral and water resources; give engineering su-  
20 pervision to power permittees and Federal Energy Regu-  
21 latory Commission licensees; administer the minerals ex-  
22 ploration program (30 U.S.C. 641); conduct inquiries into  
23 the economic conditions affecting mining and materials  
24 processing industries (30 U.S.C. 3, 21a, and 1603; 50  
25 U.S.C. 98g(1)) and related purposes as authorized by law;



1 and to publish and disseminate data relative to the fore-  
2 going activities; \$1,009,933,000, of which \$64,381,000  
3 shall be available only for cooperation with States or mu-  
4 nicipalities for water resources investigations; of which  
5 \$40,150,000 shall remain available until expended for sat-  
6 ellite operations; of which \$27,925,000 shall be available  
7 until September 30, 2009, for the operation and mainte-  
8 nance of facilities and deferred maintenance; and of which  
9 \$182,139,000 shall be available until September 30, 2009,  
10 for the biological research activity and the operation of  
11 the Cooperative Research Units: *Provided*, That none of  
12 the funds provided for the biological research activity shall  
13 be used to conduct new surveys on private property, unless  
14 specifically authorized in writing by the property owner:  
15 *Provided further*, That no part of this appropriation shall  
16 be used to pay more than one-half the cost of topographic  
17 mapping or water resources data collection and investiga-  
18 tions carried on in cooperation with States and municipali-  
19 ties.

#### ADMINISTRATIVE PROVISIONS

21 From within the amount appropriated for activities  
22 of the United States Geological Survey, such sums as are  
23 necessary shall be available for the purchase and replace-  
24 ment of passenger motor vehicles; reimbursement to the  
25 General Services Administration for security guard serv-  
26 ices; contracting for the furnishing of topographic maps

1 and for the making of geophysical or other specialized sur-  
2 veys when it is administratively determined that such pro-  
3 cedures are in the public interest; construction and main-  
4 tenance of necessary buildings and appurtenant facilities;  
5 acquisition of lands for gauging stations and observation  
6 wells; expenses of the United States National Committee  
7 on Geology; and payment of compensation and expenses  
8 of persons on the rolls of the Survey duly appointed to  
9 represent the United States in the negotiation and admin-  
10 istration of interstate compacts: *Provided*, That activities  
11 funded by appropriations herein made may be accom-  
12 plished through the use of contracts, grants, or coopera-  
13 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*  
14 *vided further*, That the United States Geological Survey  
15 may enter into contracts or cooperative agreements di-  
16 rectly with individuals or indirectly with institutions or  
17 nonprofit organizations, without regard to 41 U.S.C. 5,  
18 for the temporary or intermittent services of students or  
19 recent graduates, who shall be considered employees for  
20 the purpose of chapters 57 and 81 of title 5, United States  
21 Code, relating to compensation for travel and work inju-  
22 ries, and chapter 171 of title 28, United States Code, re-  
23 lating to tort claims, but shall not be considered to be Fed-  
24 eral employees for any other purpose.

## 1 MINERALS MANAGEMENT SERVICE

## 2 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

3 For expenses necessary for minerals leasing and envi-  
4 ronmental studies, regulation of industry operations, and  
5 collection of royalties, as authorized by law; for enforcing  
6 laws and regulations applicable to oil, gas, and other min-  
7 erals leases, permits, licenses and operating contracts; for  
8 energy-related or other authorized marine-related pur-  
9 poses on the Outer Continental Shelf; and for matching  
10 grants or cooperative agreements; including the purchase  
11 of not to exceed eight passenger motor vehicles for replace-  
12 ment only, \$159,948,000, of which \$82,371,000 shall be  
13 available for royalty management activities; and an  
14 amount not to exceed \$135,730,000, to be credited to this  
15 appropriation and to remain available until expended,  
16 from additions to receipts resulting from increases to rates  
17 in effect on August 5, 1993, from rate increases to fee  
18 collections for Outer Continental Shelf administrative ac-  
19 tivities performed by the Minerals Management Service  
20 (MMS) over and above the rates in effect on September  
21 30, 1993, and from additional fees for Outer Continental  
22 Shelf administrative activities established after September  
23 30, 1993 that the Secretary of the Interior shall collect  
24 in fiscal year 2008 and retain and use for the necessary  
25 expenses of this appropriation: *Provided*, That to the ex-

1 tent \$135,730,000 in additions to receipts are not realized  
2 from the sources of receipts stated above, the amount  
3 needed to reach \$135,730,000 shall be credited to this ap-  
4 propriation from receipts resulting from rental rates for  
5 Outer Continental Shelf leases in effect before August 5,  
6 1993: *Provided further*, That \$3,000,000 for computer ac-  
7 quisitions shall remain available until September 30,  
8 2008: *Provided further*, That not to exceed \$3,000 shall  
9 be available for reasonable expenses related to promoting  
10 volunteer beach and marine cleanup activities: *Provided*  
11 *further*, That notwithstanding any other provision of law,  
12 \$15,000 under this heading shall be available for refunds  
13 of overpayments in connection with certain Indian leases  
14 in which the Director of MMS concurred with the claimed  
15 refund due, to pay amounts owed to Indian allottees or  
16 tribes, or to correct prior unrecoverable erroneous pay-  
17 ments: *Provided further*, That for the costs of administra-  
18 tion of the Coastal Impact Assistance Program authorized  
19 by section 31 of the Outer Continental Shelf Lands Act,  
20 as amended (43 U.S.C. 1456a), MMS in fiscal years 2008  
21 through 2010 may retain up to three percent of the  
22 amounts which are disbursed under section 31(b)(1), such  
23 retained amounts to remain available until expended: *Pro-*  
24 *vided further*, That the eighth proviso under the heading  
25 of “Minerals Management Service” in division E, title I,

1 of the Consolidated Appropriations Act, 2005 (Public Law  
 2 108–447) is amended by inserting “and Indian Tribes”  
 3 after “States”, and inserting “and (d)” after “30 U.S.C.  
 4 1721(b)”.

#### 5 OIL SPILL RESEARCH

6 For necessary expenses to carry out title I, section  
 7 1016, title IV, sections 4202 and 4303, title VII, and title  
 8 VIII, section 8201 of the Oil Pollution Act of 1990,  
 9 \$6,403,000, which shall be derived from the Oil Spill Li-  
 10 ability Trust Fund, to remain available until expended.

#### 11 OFFICE OF SURFACE MINING RECLAMATION AND

#### 12 ENFORCEMENT

#### 13 REGULATION AND TECHNOLOGY

14 For necessary expenses to carry out the provisions  
 15 of the Surface Mining Control and Reclamation Act of  
 16 1977, Public Law 95–87, as amended, including the pur-  
 17 chase of not to exceed 10 passenger motor vehicles, for  
 18 replacement only; \$121,360,000: *Provided*, That the Sec-  
 19 retary of the Interior, pursuant to regulations, may use  
 20 directly or through grants to States, moneys collected in  
 21 fiscal year 2008 for civil penalties assessed under section  
 22 518 of the Surface Mining Control and Reclamation Act  
 23 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-  
 24 fected by coal mining practices after August 3, 1977, to  
 25 remain available until expended: *Provided further*, That  
 26 appropriations for the Office of Surface Mining Reclama-

tion and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

#### ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, \$52,835,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

#### ADMINISTRATIVE PROVISIONS

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.

## BUREAU OF INDIAN AFFAIRS

## OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$2,046,341,000, to remain available until September 30, 2009 except as otherwise provided herein, of which not to exceed \$77,164,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$149,628,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2008, as authorized by such Act, except that federally recognized tribes and tribal organizations may use their tribal priority allocations for unmet contract

1 support costs of ongoing contracts, grants, or compacts,  
2 or annual funding agreements and for unmet welfare as-  
3 sistance costs; of which not to exceed \$476,500,000 for  
4 school operations costs of Bureau-funded schools and  
5 other education programs shall become available on July  
6 1, 2008, and shall remain available until September 30,  
7 2009; and of which not to exceed \$55,817,000 shall re-  
8 main available until expended for housing improvement,  
9 road maintenance, attorney fees, litigation support, the In-  
10 dian Self-Determination Fund, land records improvement,  
11 and the Navajo-Hopi Settlement Program: *Provided fur-*  
12 *ther*, That notwithstanding any other provision of law, in-  
13 cluding but not limited to the Indian Self-Determination  
14 Act of 1975, as amended, and 25 U.S.C. 2008, not to ex-  
15 ceed \$44,060,000 within and only from such amounts  
16 made available for school operations shall be available for  
17 administrative cost grants associated with ongoing grants  
18 entered into with the Bureau prior to or during fiscal year  
19 2008 for the operation of Bureau-funded schools, and up  
20 to \$500,000 within and only from such amounts made  
21 available for school operations shall be available for the  
22 transitional costs of initial administrative cost grants to  
23 grantees that enter into grants for the operation on or  
24 after July 1, 2007, of Bureau-operated schools: *Provided*  
25 *further*, That any forestry funds allocated to a tribe which



1 remain unobligated as of September 30, 2009, may be  
 2 transferred during fiscal year 2010 to an Indian forest  
 3 land assistance account established for the benefit of the  
 4 holder of the funds within the tribe's trust fund account:  
 5 *Provided further*, That any such unobligated balances not  
 6 so transferred shall expire on September 30, 2010.

#### 7 CONSTRUCTION

#### 8 (INCLUDING RESCISSION OF FUNDS)

9 For construction, repair, improvement, and mainte-  
 10 nance of irrigation and power systems, buildings, utilities,  
 11 and other facilities, including architectural and engineer-  
 12 ing services by contract; acquisition of lands, and interests  
 13 in lands; and preparation of lands for farming, and for  
 14 construction of the Navajo Indian Irrigation Project pur-  
 15 suant to Public Law 87-483, \$182,812,000, to remain  
 16 available until expended: *Provided*, That such amounts as  
 17 may be available for the construction of the Navajo Indian  
 18 Irrigation Project may be transferred to the Bureau of  
 19 Reclamation: *Provided further*, That not to exceed 6 per-  
 20 cent of contract authority available to the Bureau of In-  
 21 dian Affairs from the Federal Highway Trust Fund may  
 22 be used to cover the road program management costs of  
 23 the Bureau: *Provided further*, That any funds provided for  
 24 the Safety of Dams program pursuant to 25 U.S.C. 13  
 25 shall be made available on a nonreimbursable basis: *Pro-*  
 26 *vided further*, That for fiscal year 2008, in implementing

1 new construction or facilities improvement and repair  
2 project grants in excess of \$100,000 that are provided to  
3 grant schools under Public Law 100–297, as amended, the  
4 Secretary of the Interior shall use the Administrative and  
5 Audit Requirements and Cost Principles for Assistance  
6 Programs contained in 43 CFR part 12 as the regulatory  
7 requirements: *Provided further*, That such grants shall not  
8 be subject to section 12.61 of 43 CFR; the Secretary and  
9 the grantee shall negotiate and determine a schedule of  
10 payments for the work to be performed: *Provided further*,  
11 That in considering applications, the Secretary shall con-  
12 sider whether such grantee would be deficient in assuring  
13 that the construction projects conform to applicable build-  
14 ing standards and codes and Federal, tribal, or State  
15 health and safety standards as required by 25 U.S.C.  
16 2005(b), with respect to organizational and financial man-  
17 agement capabilities: *Provided further*, That if the Sec-  
18 retary declines an application, the Secretary shall follow  
19 the requirements contained in 25 U.S.C. 2504(f): *Provided*  
20 *further*, That any disputes between the Secretary and any  
21 grantee concerning a grant shall be subject to the disputes  
22 provision in 25 U.S.C. 2507(e): *Provided further*, That in  
23 order to ensure timely completion of replacement school  
24 construction projects, the Secretary may assume control  
25 of a project and all funds related to the project, if, within

1 eighteen months of the date of enactment of this Act, any  
 2 grantee receiving funds appropriated in this Act or in any  
 3 prior Act, has not completed the planning and design  
 4 phase of the project and commenced construction of the  
 5 replacement school: *Provided further*, That this Appropria-  
 6 tion may be reimbursed from the Office of the Special  
 7 Trustee for American Indians Appropriation for the ap-  
 8 propriate share of construction costs for space expansion  
 9 needed in agency offices to meet trust reform implementa-  
 10 tion.

11       Of the funds made available under this heading in  
 12 Public Law 108–447 for the tribal school demonstration  
 13 program, \$3,800,000 of unobligated elementary school  
 14 funding are rescinded.

15       INDIAN LAND AND WATER CLAIM SETTLEMENTS AND  
 16               MISCELLANEOUS PAYMENTS TO INDIANS

17       For payments and necessary administrative expenses  
 18 for implementation of Indian land and water claim settle-  
 19 ments pursuant to Public Laws 99–264, 100–580, 101–  
 20 618, 107–331, 108–477, 109–379, 109–429, and 109–  
 21 479, and for implementation of other land and water  
 22 rights settlements, \$34,069,000, to remain available until  
 23 expended.

24       INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

25       For the cost of guaranteed and insured loans,  
 26 \$6,276,000, of which \$700,000 is for administrative ex-

1 penses, as authorized by the Indian Financing Act of  
2 1974, as amended: *Provided*, That such costs, including  
3 the cost of modifying such loans, shall be as defined in  
4 section 502 of the Congressional Budget Act of 1974: *Pro-*  
5 *vided further*, That these funds are available to subsidize  
6 total loan principal, any part of which is to be guaranteed,  
7 not to exceed \$85,506,098.

8 ADMINISTRATIVE PROVISIONS

9 The Bureau of Indian Affairs may carry out the oper-  
10 ation of Indian programs by direct expenditure, contracts,  
11 cooperative agreements, compacts and grants, either di-  
12 rectly or in cooperation with States and other organiza-  
13 tions.

14 Notwithstanding 25 U.S.C. 15, the Bureau of Indian  
15 Affairs may contract for services in support of the man-  
16 agement, operation, and maintenance of the Power Divi-  
17 sion of the San Carlos Irrigation Project.

18 Appropriations for the Bureau of Indian Affairs (ex-  
19 cept the revolving fund for loans, the Indian loan guar-  
20 antee and insurance fund, and the Indian Guaranteed  
21 Loan Program account) shall be available for expenses of  
22 exhibits, and purchase and replacement of passenger  
23 motor vehicles.

24 Notwithstanding any other provision of law, no funds  
25 available to the Bureau of Indian Affairs for central office  
26 oversight and Executive Direction and Administrative

1 Services (except executive direction and administrative  
2 services funding for Tribal Priority Allocations and re-  
3 gional offices) shall be available for tribal contracts,  
4 grants, compacts, or cooperative agreements with the Bu-  
5 reau of Indian Affairs under the provisions of the Indian  
6 Self-Determination Act or the Tribal Self-Governance Act  
7 of 1994 (Public Law 103–413).

8       In the event any federally recognized tribe returns ap-  
9 propriations made available by this Act to the Bureau of  
10 Indian Affairs, this action shall not diminish the Federal  
11 Government’s trust responsibility to that tribe, or the gov-  
12 ernment-to-government relationship between the United  
13 States and that tribe, or that tribe’s ability to access fu-  
14 ture appropriations.

15       Notwithstanding any other provision of law, no funds  
16 available to the Bureau, other than the amounts provided  
17 herein for assistance to public schools under 25 U.S.C.  
18 452 et seq., shall be available to support the operation of  
19 any elementary or secondary school in the State of Alaska.

20       Appropriations made available in this or any other  
21 Act for schools funded by the Bureau shall be available  
22 only to the schools in the Bureau school system as of Sep-  
23 tember 1, 1996. No funds available to the Bureau shall  
24 be used to support expanded grades for any school or dor-  
25 mitory beyond the grade structure in place or approved

1 by the Secretary of the Interior at each school in the Bu-  
2 reau school system as of October 1, 1995. Funds made  
3 available under this Act may not be used to establish a  
4 charter school at a Bureau-funded school (as that term  
5 is defined in section 1146 of the Education Amendments  
6 of 1978 (25 U.S.C. 2026)), except that a charter school  
7 that is in existence on the date of the enactment of this  
8 Act and that has operated at a Bureau-funded school be-  
9 fore September 1, 1999, may continue to operate during  
10 that period, but only if the charter school pays to the Bu-  
11 reau a pro rata share of funds to reimburse the Bureau  
12 for the use of the real and personal property (including  
13 buses and vans), the funds of the charter school are kept  
14 separate and apart from Bureau funds, and the Bureau  
15 does not assume any obligation for charter school pro-  
16 grams of the State in which the school is located if the  
17 charter school loses such funding. Employees of Bureau-  
18 funded schools sharing a campus with a charter school and  
19 performing functions related to the charter school's oper-  
20 ation and employees of a charter school shall not be treat-  
21 ed as Federal employees for purposes of chapter 171 of  
22 title 28, United States Code.

23 Notwithstanding 25 U.S.C. 2007(d), and imple-  
24 menting regulations, the funds reserved from the Indian  
25 Student Equalization Program to meet emergencies and

1 unforeseen contingencies affecting education programs ap-  
 2 propriated herein and in Public Law 109–54 may be used  
 3 for costs associated with significant student enrollment in-  
 4 creases at Bureau-funded schools during the relevant  
 5 school year.

6       Notwithstanding any other provision of law, including  
 7 section 113 of title I of appendix C of Public Law 106–  
 8 113, if in fiscal year 2003 or 2004 a grantee received indi-  
 9 rect and administrative costs pursuant to a distribution  
 10 formula based on section 5(f) of Public Law 101–301, the  
 11 Secretary shall continue to distribute indirect and admin-  
 12 istrative cost funds to such grantee using the section 5(f)  
 13 distribution formula.

14                   DEPARTMENTAL OFFICES

15                   OFFICE OF THE SECRETARY

16                   SALARIES AND EXPENSES

17       For necessary expenses for management of the De-  
 18 partment of the Interior, \$102,151,000; of which not to  
 19 exceed \$15,000 may be for official reception and represen-  
 20 tation expenses; of which \$1,000,000, to remain available  
 21 until expended, is for salaries, expenses, and costs for con-  
 22 struction design of the Dwight D. Eisenhower Memorial  
 23 Commission established by section 8162(b) of the Depart-  
 24 ment of Defense Appropriations Act, 2000 (40 U.S.C.  
 25 8903 note; Public Law 106–79); and of which up to

1 \$1,000,000 shall be available for workers compensation  
 2 payments and unemployment compensation payments as-  
 3 sociated with the orderly closure of the United States Bu-  
 4 reau of Mines: *Provided*, That none of the funds in this  
 5 Act or previous appropriations Acts may be used to estab-  
 6 lish reserves in the Working Capital Fund account other  
 7 than for accrued annual leave and depreciation of equip-  
 8 ment without prior approval of the House and Senate  
 9 Committees on Appropriations.

#### 10 INSULAR AFFAIRS

##### 11 ASSISTANCE TO TERRITORIES

12 For expenses necessary for assistance to territories  
 13 under the jurisdiction of the Department of the Interior,  
 14 \$77,821,000, of which: (1) \$69,637,000 shall remain  
 15 available until expended for technical assistance, including  
 16 maintenance assistance, disaster assistance, insular man-  
 17 agement controls, coral reef initiative activities, and brown  
 18 tree snake control and research; grants to the judiciary  
 19 in American Samoa for compensation and expenses, as au-  
 20 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-  
 21 ment of American Samoa, in addition to current local rev-  
 22 enues, for construction and support of governmental func-  
 23 tions; grants to the Government of the Virgin Islands as  
 24 authorized by law; grants to the Government of Guam,  
 25 as authorized by law; and grants to the Government of



1 the Northern Mariana Islands as authorized by law (Pub-  
2 lic Law 94–241; 90 Stat. 272); and (2) \$8,184,000 shall  
3 remain available until September 30, 2008, for salaries  
4 and expenses of the Office of Insular Affairs: *Provided*,  
5 That all financial transactions of the territorial and local  
6 governments herein provided for, including such trans-  
7 actions of all agencies or instrumentalities established or  
8 used by such governments, may be audited by the Govern-  
9 ment Accountability Office, at its discretion, in accordance  
10 with chapter 35 of title 31, United States Code: *Provided*  
11 *further*, That Northern Mariana Islands Covenant grant  
12 funding shall be provided according to those terms of the  
13 Agreement of the Special Representatives on Future  
14 United States Financial Assistance for the Northern Mar-  
15 iana Islands approved by Public Law 104–134: *Provided*  
16 *further*, That the funds for the program of operations and  
17 maintenance improvement are appropriated to institu-  
18 tionalize routine operations and maintenance improvement  
19 of capital infrastructure with territorial participation and  
20 cost sharing to be determined by the Secretary based on  
21 the grantee’s commitment to timely maintenance of its  
22 capital assets: *Provided further*, That any appropriation  
23 for disaster assistance under this heading in this Act or  
24 previous appropriations Acts may be used as non-Federal  
25 matching funds for the purpose of hazard mitigation

1 grants provided pursuant to section 404 of the Robert T.  
2 Stafford Disaster Relief and Emergency Assistance Act  
3 (42 U.S.C. 5170c).

4 COMPACT OF FREE ASSOCIATION

5 For grants and necessary expenses, \$5,362,000, to  
6 remain available until expended, as provided for in sec-  
7 tions 221(a)(2), 221(b), and 233 of the Compact of Free  
8 Association for the Republic of Palau; and section  
9 221(a)(2) of the Compacts of Free Association for the  
10 Government of the Republic of the Marshall Islands and  
11 the Federated States of Micronesia, as authorized by Pub-  
12 lic Law 99–658 and Public Law 108–188.

13 OFFICE OF THE SOLICITOR

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of the Solicitor,  
16 \$59,449,000.

17 OFFICE OF INSPECTOR GENERAL

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of Inspector  
20 General, \$45,572,000.

21 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

22 FEDERAL TRUST PROGRAMS

23 For the operation of trust programs for Indians by  
24 direct expenditure, contracts, cooperative agreements,  
25 compacts, and grants, \$185,947,000, to remain available  
26 until expended, of which not to exceed \$60,000,000 from

1 this or any other Act, shall be available for historical ac-  
2 counting: *Provided*, That funds for trust management im-  
3 provements and litigation support may, as needed, be  
4 transferred to or merged with the Bureau of Indian Af-  
5 fairs, “Operation of Indian Programs” account; the Office  
6 of the Solicitor, “Salaries and Expenses” account; and the  
7 Office of the Secretary, “Salaries and Expenses” account:  
8 *Provided further*, That funds made available through con-  
9 tracts or grants obligated during fiscal year 2008, as au-  
10 thorized by the Indian Self-Determination Act of 1975 (25  
11 U.S.C. 450 et seq.), shall remain available until expended  
12 by the contractor or grantee: *Provided further*, That, not-  
13 withstanding any other provision of law, the statute of lim-  
14 itations shall not commence to run on any claim, including  
15 any claim in litigation pending on the date of the enact-  
16 ment of this Act, concerning losses to or mismanagement  
17 of trust funds, until the affected tribe or individual Indian  
18 has been furnished with an accounting of such funds from  
19 which the beneficiary can determine whether there has  
20 been a loss: *Provided further*, That, notwithstanding any  
21 other provision of law, the Secretary shall not be required  
22 to provide a quarterly statement of performance for any  
23 Indian trust account that has not had activity for at least  
24 18 months and has a balance of \$15.00 or less: *Provided*  
25 *further*, That the Secretary shall issue an annual account

1 statement and maintain a record of any such accounts and  
 2 shall permit the balance in each such account to be with-  
 3 drawn upon the express written request of the account  
 4 holder: *Provided further*, That not to exceed \$50,000 is  
 5 available for the Secretary to make payments to correct  
 6 administrative errors of either disbursements from or de-  
 7 posits to Individual Indian Money or Tribal accounts after  
 8 September 30, 2002: *Provided further*, That erroneous  
 9 payments that are recovered shall be credited to and re-  
 10 main available in this account for this purpose.

#### 11 INDIAN LAND CONSOLIDATION

12 For consolidation of fractional interests in Indian  
 13 lands and expenses associated with redetermining and re-  
 14 distributing escheated interests in allotted lands, and for  
 15 necessary expenses to carry out the Indian Land Consoli-  
 16 dation Act of 1983, as amended, by direct expenditure or  
 17 cooperative agreement, \$10,000,000, to remain available  
 18 until expended, and which may be transferred to the Bu-  
 19 reau of Indian Affairs and Office of the Secretary ac-  
 20 counts.

#### 21 DEPARTMENT-WIDE PROGRAMS

##### 22 PAYMENTS IN LIEU OF TAXES

23 For expenses necessary to implement the Act of Octo-  
 24 ber 20, 1976, as amended (31 U.S.C. 6901–6907),  
 25 \$232,528,000, of which not to exceed \$400,000 shall be  
 26 available for administrative expenses: *Provided*, That no

1 payment shall be made to otherwise eligible units of local  
2 government if the computed amount of the payment is less  
3 than \$100.

4 CENTRAL HAZARDOUS MATERIALS FUND

5 For necessary expenses of the Department of the In-  
6 terior and any of its component offices and bureaus for  
7 the remedial action, including associated activities, of haz-  
8 ardous waste substances, pollutants, or contaminants pur-  
9 suant to the Comprehensive Environmental Response,  
10 Compensation, and Liability Act, as amended (42 U.S.C.  
11 9601 et seq.), \$9,954,000, to remain available until ex-  
12 pended.

13 NATURAL RESOURCE DAMAGE ASSESSMENT AND  
14 RESTORATION

15 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

16 To conduct natural resource damage assessment and  
17 restoration activities by the Department of the Interior  
18 necessary to carry out the provisions of the Comprehensive  
19 Environmental Response, Compensation, and Liability  
20 Act, as amended (42 U.S.C. 9601 et seq.), the Federal  
21 Water Pollution Control Act, as amended (33 U.S.C. 1251  
22 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701  
23 et seq.), and Public Law 101–337, as amended (16 U.S.C.  
24 1911 et seq.), \$6,300,000, to remain available until ex-  
25 pended.

## 1 WORKING CAPITAL FUND

2 For the acquisition of a departmental financial and  
3 business management system, \$37,069,000, to remain  
4 available until expended.

## 5 ADMINISTRATIVE PROVISIONS

6 There is hereby authorized for acquisition from avail-  
7 able resources within the Working Capital Fund, 15 air-  
8 craft, 10 of which shall be for replacement and which may  
9 be obtained by donation, purchase or through available ex-  
10 cess surplus property: *Provided*, That existing aircraft  
11 being replaced may be sold, with proceeds derived or  
12 trade-in value used to offset the purchase price for the  
13 replacement aircraft: *Provided further*, That no programs  
14 funded with appropriated funds in the “Office of the Sec-  
15 retary”, “Office of the Solicitor”, and “Office of Inspector  
16 General” may be augmented through the Working Capital  
17 Fund: *Provided further*, That the annual budget justifica-  
18 tion for Department-wide programs shall describe esti-  
19 mated Working Capital Fund charges to bureaus and of-  
20 fices, including the methodology on which charges are  
21 based: *Provided further*, That departures from the Work-  
22 ing Capital Fund estimates contained in the budget jus-  
23 tification shall be presented to the Committees on Appro-  
24 priations for approval: *Provided further*, That the Sec-  
25 retary shall provide a semi-annual report to the Commit-  
26 tees on Appropriations on reimbursable support agree-

1 ments between the Office of the Secretary and the Na-  
2 tional Business Center and the bureaus and offices of the  
3 Department, including the amounts billed pursuant to  
4 such agreements.

5 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

6 SEC. 101. Appropriations made in this title shall be  
7 available for expenditure or transfer within each bureau  
8 or office, with the approval of the Secretary, for the emer-  
9 gency reconstruction, replacement, or repair of aircraft,  
10 buildings, utilities, or other facilities or equipment dam-  
11 aged or destroyed by fire, flood, storm, or other unavoid-  
12 able causes: *Provided*, That no funds shall be made avail-  
13 able under this authority until funds specifically made  
14 available to the Department of the Interior for emer-  
15 gencies shall have been exhausted: *Provided further*, That  
16 all funds used pursuant to this section must be replenished  
17 by a supplemental appropriation which must be requested  
18 as promptly as possible.

19 SEC. 102. The Secretary may authorize the expendi-  
20 ture or transfer of any no year appropriation in this title,  
21 in addition to the amounts included in the budget pro-  
22 grams of the several agencies, for the suppression or emer-  
23 gency prevention of wildland fires on or threatening lands  
24 under the jurisdiction of the Department of the Interior;  
25 for the emergency rehabilitation of burned-over lands

1 under its jurisdiction; for emergency actions related to po-  
2 tential or actual earthquakes, floods, volcanoes, storms, or  
3 other unavoidable causes; for contingency planning subse-  
4 quent to actual oil spills; for response and natural resource  
5 damage assessment activities related to actual oil spills;  
6 for the prevention, suppression, and control of actual or  
7 potential grasshopper and Mormon cricket outbreaks on  
8 lands under the jurisdiction of the Secretary, pursuant to  
9 the authority in section 1773(b) of Public Law 99–198  
10 (99 Stat. 1658); for emergency reclamation projects under  
11 section 410 of Public Law 95–87; and shall transfer, from  
12 any no year funds available to the Office of Surface Min-  
13 ing Reclamation and Enforcement, such funds as may be  
14 necessary to permit assumption of regulatory authority in  
15 the event a primacy State is not carrying out the regu-  
16 latory provisions of the Surface Mining Act: *Provided*,  
17 That appropriations made in this title for wildland fire  
18 operations shall be available for the payment of obligations  
19 incurred during the preceding fiscal year, and for reim-  
20 bursement to other Federal agencies for destruction of ve-  
21 hicles, aircraft, or other equipment in connection with  
22 their use for wildland fire operations, such reimbursement  
23 to be credited to appropriations currently available at the  
24 time of receipt thereof: *Provided further*, That for wildland  
25 fire operations, no funds shall be made available under



1 this authority until the Secretary determines that funds  
2 appropriated for “wildland fire operations” shall be ex-  
3 hausted within 30 days: *Provided further*, That all funds  
4 used pursuant to this section must be replenished by a  
5 supplemental appropriation which must be requested as  
6 promptly as possible: *Provided further*, That such replen-  
7 ishment funds shall be used to reimburse, on a pro rata  
8 basis, accounts from which emergency funds were trans-  
9 ferred.

10 SEC. 103. Appropriations made to the Department  
11 of the Interior in this title shall be available for services  
12 as authorized by 5 U.S.C. 3109, when authorized by the  
13 Secretary, in total amount not to exceed \$500,000; hire,  
14 maintenance, and operation of aircraft; hire of passenger  
15 motor vehicles; purchase of reprints; payment for tele-  
16 phone service in private residences in the field, when au-  
17 thorized under regulations approved by the Secretary; and  
18 the payment of dues, when authorized by the Secretary,  
19 for library membership in societies or associations which  
20 issue publications to members only or at a price to mem-  
21 bers lower than to subscribers who are not members.

22 SEC. 104. No funds provided in this title may be ex-  
23 pended by the Department of the Interior for the conduct  
24 of offshore preleasing, leasing and related activities placed  
25 under restriction in the President’s moratorium statement

1 of June 12, 1998, in the areas of northern, central, and  
2 southern California; the North Atlantic; Washington and  
3 Oregon; and the eastern Gulf of Mexico south of 26 de-  
4 grees north latitude and east of 86 degrees west longitude.

5 SEC. 105. No funds provided in this title may be ex-  
6 pended by the Department of the Interior to conduct oil  
7 and natural gas preleasing, leasing and related activities  
8 in the Mid-Atlantic and South Atlantic planning areas.

9 SEC. 106. Appropriations made in this Act under the  
10 headings Bureau of Indian Affairs and Office of Special  
11 Trustee for American Indians and any unobligated bal-  
12 ances from prior appropriations Acts made under the  
13 same headings shall be available for expenditure or trans-  
14 fer for Indian trust management and reform activities, ex-  
15 cluding litigation costs. Total funding for historical ac-  
16 counting activities shall not exceed amounts specifically  
17 designated in this Act for such purpose.

18 SEC. 107. Notwithstanding any other provision of  
19 law, the Secretary of the Interior is authorized to redis-  
20 tribute any Tribal Priority Allocation funds, including  
21 tribal base funds, to alleviate tribal funding inequities by  
22 transferring funds to address identified, unmet needs,  
23 dual enrollment, overlapping service areas or inaccurate  
24 distribution methodologies. No tribe shall receive a reduc-  
25 tion in Tribal Priority Allocation funds of more than 10

1 percent in fiscal year 2008. Under circumstances of dual  
2 enrollment, overlapping service areas or inaccurate dis-  
3 tribution methodologies, the 10 percent limitation does not  
4 apply.

5 SEC. 108. Notwithstanding any other provision of  
6 law, in conveying the Twin Cities Research Center under  
7 the authority provided by Public Law 104–134, as amend-  
8 ed by Public Law 104–208, the Secretary may accept and  
9 retain land and other forms of reimbursement: *Provided*,  
10 That the Secretary may retain and use any such reim-  
11 bursement until expended and without further appropria-  
12 tion: (1) for the benefit of the National Wildlife Refuge  
13 System within the State of Minnesota; and (2) for all ac-  
14 tivities authorized by Public Law 100–696; 16 U.S.C.  
15 460zz.

16 SEC. 109. The Secretary of the Interior may use or  
17 contract for the use of helicopters or motor vehicles on  
18 the Sheldon and Hart National Wildlife Refuges for the  
19 purpose of capturing and transporting horses and burros.  
20 The provisions of subsection (a) of the Act of September  
21 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such  
22 use. Such use shall be in accordance with humane proce-  
23 dures prescribed by the Secretary.

24 SEC. 110. None of the funds in this or any other Act  
25 can be used to compensate the Special Master and the

1 Special Master-Monitor, and all variations thereto, ap-  
2 pointed by the United States District Court for the Dis-  
3 trict of Columbia in the Cobell v. Kempthorne litigation  
4 at an annual rate that exceeds 200 percent of the highest  
5 Senior Executive Service rate of pay for the Washington-  
6 Baltimore locality pay area.

7       SEC. 111. The Secretary of the Interior may use dis-  
8 cretionary funds to pay private attorney fees and costs for  
9 employees and former employees of the Department of the  
10 Interior reasonably incurred in connection with Cobell v.  
11 Kempthorne to the extent that such fees and costs are  
12 not paid by the Department of Justice or by private insur-  
13 ance. In no case shall the Secretary make payments under  
14 this section that would result in payment of hourly fees  
15 in excess of the highest hourly rate approved by the Dis-  
16 trict Court for the District of Columbia for counsel in  
17 Cobell v. Kempthorne.

18       SEC. 112. No funds appropriated for the Department  
19 of the Interior by this Act or any other Act shall be used  
20 to study or implement any plan to drain Lake Powell or  
21 to reduce the water level of the lake below the range of  
22 water levels required for the operation of the Glen Canyon  
23 Dam.

24       SEC. 113. Notwithstanding any implementation of  
25 the Department of the Interior's trust reorganization or

1 reengineering plans, or the implementation of the “To Be”  
2 Model, funds appropriated for fiscal year 2008 shall be  
3 available to the tribes within the California Tribal Trust  
4 Reform Consortium and to the Salt River Pima-Maricopa  
5 Indian Community, the Confederated Salish and Kootenai  
6 Tribes of the Flathead Reservation and the Chippewa Cree  
7 Tribe of the Rocky Boys Reservation through the same  
8 methodology as funds were distributed in fiscal year 2003.  
9 This Demonstration Project shall continue to operate sep-  
10 arate and apart from the Department of the Interior’s  
11 trust reform and reorganization and the Department shall  
12 not impose its trust management infrastructure upon or  
13 alter the existing trust resource management systems of  
14 the above referenced tribes having a self-governance com-  
15 pact and operating in accordance with the Tribal Self-Gov-  
16 ernance Program set forth in 25 U.S.C. 458aa–458hh:  
17 *Provided*, That the California Trust Reform Consortium  
18 and any other participating tribe agree to carry out their  
19 responsibilities under the same written and implemented  
20 fiduciary standards as those being carried by the Sec-  
21 retary of the Interior: *Provided further*, That they dem-  
22 onstrate to the satisfaction of the Secretary that they have  
23 the capability to do so: *Provided further*, That the Depart-  
24 ment shall provide funds to the tribes in an amount equal  
25 to that required by 25 U.S.C. 458cc(g)(3), including funds

1 specifically or functionally related to the provision of trust  
2 services to the tribes or their members.

3       SEC. 114. Notwithstanding any provision of law, in-  
4 cluding 42 U.S.C. 4321 et seq., nonrenewable grazing per-  
5 mits authorized in the Jarbidge Field Office, Bureau of  
6 Land Management since March 1, 1997 shall be renewed.  
7 The Animal Unit Months, authorized in any nonrenewable  
8 grazing permit from March 1, 1997 to present shall con-  
9 tinue in effect under the renewed permit. Nothing in this  
10 section shall be deemed to extend the renewed permit be-  
11 yond the standard 1-year term. The period of this provi-  
12 sion will be until all of the grazing permits in the Jarbidge  
13 Field Office are renewed after the completion of the  
14 Record of Decision for the Jarbidge Resource Manage-  
15 ment Plan/Final Environmental Impact Statement.

16       SEC. 115. Notwithstanding any other provision of  
17 law, the Secretary of the Interior is authorized to acquire  
18 lands, waters, or interests therein including the use of all  
19 or part of any pier, dock, or landing within the State of  
20 New York and the State of New Jersey, for the purpose  
21 of operating and maintaining facilities in the support of  
22 transportation and accommodation of visitors to Ellis,  
23 Governors, and Liberty Islands, and of other program and  
24 administrative activities, by donation or with appropriated  
25 funds, including franchise fees (and other monetary con-

1 sideration), or by exchange; and the Secretary is author-  
2 ized to negotiate and enter into leases, subleases, conces-  
3 sion contracts or other agreements for the use of such fa-  
4 cilities on such terms and conditions as the Secretary may  
5 determine reasonable.

6 SEC. 116. Notwithstanding any other provision of  
7 law, the National Park Service final winter use rules pub-  
8 lished in Part VII of the Federal Register for November  
9 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force  
10 and effect for the winter season of 2007–2008 that com-  
11 mences on or about December 15, 2007.

12 SEC. 117. Pursuant to section 10101f(d)(3) of the  
13 Omnibus Budget Reconciliation Act of 1993 (30 U.S.C.  
14 28f(d)(3)), the following claims shall be given notice of  
15 defect and the opportunity to cure: AA 023149; AA  
16 023163; AA 047913; AA 047914; AA 047915; AA  
17 047916; AA 047917; AA 047918 and AA 047919.

18 SEC. 118. OIL AND GAS LEASING INTERNET PILOT  
19 PROGRAM. Notwithstanding section 17(b)(1)(A) of the  
20 Mineral Leasing Act (30 U.S.C 226(b)(1)(A)), the Sec-  
21 retary of the Interior shall establish an oil and gas leasing  
22 Internet pilot program, under which the Secretary may  
23 conduct lease sales through methods other than oral bid-  
24 ding. To carry out the pilot program, the Secretary of the  
25 Interior may use not more than \$250,000 of funds in the

1 BLM Permit Processing Improvement Fund described in  
2 section 35(c)(2)(B) of the Mineral Leasing Act (30 U.S.C.  
3 191(c)(2)(B)).

4 SEC. 119. In implementing section 1307 of Public  
5 Law 96–487 (4 Stat. 2479), the Secretary shall deem the  
6 present holders of entry permit CP–GLBA005–00 and  
7 entry permit CP–GLBA004–00 each to be a person who,  
8 on or before January 1, 1979, was engaged in adequately  
9 providing visitor services of the type authorized in said  
10 permit within Glacier Bay National Park.

11 SEC. 120. Notwithstanding any other provisions of  
12 this Act, none of the funds made available by this Act may  
13 be used to issue permits for or otherwise approve or allow,  
14 pursuant to the Marine Mammal Protection Act (16  
15 U.S.C. 1361 et seq.), importation of polar bears or polar  
16 bear parts taken in a sport hunt in any country, whether  
17 or not legally harvested in that country.

18 SEC. 121. No funds appropriated or otherwise made  
19 available to the Department of the Interior may be used,  
20 in relation to any proposal to store water for the purpose  
21 of export, for approval of any right-of-way or similar au-  
22 thorization on the Mojave National Preserve or lands man-  
23 aged by the Needles Field Office of the Bureau of Land  
24 Management, or for carrying out any activities associated  
25 with such right-of-way or similar approval.



1       SEC. 122. Section 460ccc–4 of the Red Rock Canyon  
2 National Conservation Area Establishment Act authoriza-  
3 tion (16 U.S.C. 460ccc) is amended—

4           (1) in section (a)(1), by striking “with donated  
5 or appropriated funds”;

6           (2) by striking section (a)(2);

7           (3) in section (a)(3), by striking “(3)” and re-  
8 placing with “(2)”;

9           (4) in section (a)(4), by striking “(4)” and re-  
10 placing with “(3)”.

11       SEC. 123. Title 43 U.S.C. 1473 is amended by insert-  
12 ing at the end of that section before the period the fol-  
13 lowing: “, including contributions of money and services  
14 to conduct work in support of the orderly exploration and  
15 development of Outer Continental Shelf resources, includ-  
16 ing but not limited to, preparation of environmental docu-  
17 ments such as impact statements and assessments, stud-  
18 ies, and related research”.

19       SEC. 124. Section 1077(c) of Public Law 109–364  
20 is repealed.

21       SEC. 125. Section 144 of division E of Public Law  
22 108–447, as amended, is amended in paragraph (b)(2) by  
23 striking “November 12, 2004” and inserting “May 4,  
24 2005.”

1       SEC. 126. Section 105(f)(1)(B) of the Compact of  
2 Free Association Amendments Act of 2003 (48 U.S.C.  
3 1921d(f)(1)(B)) is amended in clause (ix) by—

4           (1) striking “Republic” both places it appears  
5       and inserting “government, institutions, and peo-  
6       ple”;

7           (2) by striking “2007” and inserting “2009”;  
8       and

9           (3) by striking “was” and inserting “were”.

10       SEC. 127. The Secretary of the Interior should seek  
11 to carry out without further delay the provisions identified  
12 in the Upper Snake River Basin Biological Opinion re-  
13 leased by the National Marine Fisheries Service, North-  
14 west Region dated March 31, 2005 for the conservation  
15 of salmon and steelhead species in the Columbia and  
16 Snake River Basins and the Upper Snake River Basin Bi-  
17 ological Opinion issued by the U.S. Fish and Wildlife Serv-  
18 ice dated March 31, 2005 for the conservation of various  
19 species in the Pacific Northwest.

20       SEC. 128. Notwithstanding any other provision of law  
21 (including provisions of law requiring competition), the  
22 Secretary of the Interior may enter into cooperative agree-  
23 ments (which may provide for the acquisition of goods or  
24 services, including personal services) with a State, political  
25 subdivision, or agency thereof, a public or private agency,

1 organization, or any other person, if the agreement will:  
2 (1) serve a mutual interest of the parties to the agreement  
3 in carrying out the programs administered by the Depart-  
4 ment of the Interior; and (2) all parties will contribute  
5 resources to the accomplishment of these objectives.

6 SEC. 129. The Federal properties commonly referred  
7 to as the Barnes Ranch and Agency Lake Ranch (the  
8 properties) in Klamath County, Oregon, managed by the  
9 Bureau of Reclamation shall be transferred to the Upper  
10 Klamath National Wildlife Refuge (Refuge) in accordance  
11 with the Memorandum of Understanding between the U.S.  
12 Fish and Wildlife Service Klamath Basin National Wild-  
13 life Refuge Complex and the Bureau of Reclamation  
14 Klamath Basin Area Office and The Nature Conservancy  
15 dated March 2, 2007, as expeditiously as possible and no  
16 later than December 2008: *Provided*, That these Federal  
17 properties and all Federal refuge lands within the adjusted  
18 boundary area for the Refuge, as approved by the U.S.  
19 Fish and Wildlife Service (Service) in June 2005 under  
20 the Land Protection Plan of 2005, shall be made a part  
21 of the Refuge and shall be managed by the Service as  
22 such: *Provided further*, That each year after the properties  
23 become part of the Refuge, those increments of water pas-  
24 sively stored on the properties shall be applied and cred-  
25 ited toward the requirements of any consultation or recon-

1 sultation over Klamath Project operations pursuant to  
2 section 7 of the Endangered Species Act, consistent with  
3 Federal law and State water law.

4 SEC. 130. CORINTH UNIT OF SHILOH NATIONAL  
5 MILITARY PARK BOUNDARY EXPANSION. The Corinth  
6 Battlefield Preservation Act of 2000 is amended—

7 (1) in section 3(1) (16 U.S.C. 430f–7(1)), by  
8 striking “304/80,007, and dated October 1998” and  
9 inserting “304A/80,009, and dated April 2007”;

10 (2) in section 4 (16 U.S.C. 430f–8), by striking  
11 subsection (b) and inserting the following:

12 “(b) COMPOSITION OF UNIT.—The Unit shall be  
13 comprised of approximately 810 acres of land, as generally  
14 depicted on the Map.”.

15 (3) by striking section 7 (16 U.S.C. 430f–11);  
16 and

17 (4) by redesignating section 8 as section 7.

18 SEC. 131. In section 5(8) of Public Law 107–226,  
19 strike “acquire” and all that follows and insert, “acquire  
20 the land or interests in land for the memorial by donation,  
21 purchase with donated or appropriated funds, exchange or  
22 condemnation with donated or appropriated funds; and”.

23 SEC. 132. CLARIFICATION OF CONCESSIONAIRE HIS-  
24 TORIC RIGHTS. (a) In implementing section 1307 of Public  
25 Law 96–487 (96 Stat. 2479), the Secretary shall deem

1 Denali National Park Wilderness Centers, Ltd., a corpora-  
2 tion organized and existing under the laws of the State  
3 of Alaska, to be a person who, on or before January 1,  
4 1979, was engaged in adequately providing the following  
5 scope and level of visitor services within what is currently  
6 Denali National Park and Preserve:

7           (1) Guided interpretive hiking services in the  
8       Kantishna area new park additions (i.e. park area  
9       added in 1980 to former Mount McKinley National  
10      Park), not to exceed 14 guided interpretive hikes per  
11      week.

12           (2) Gold panning outings in the Kantishna area  
13      new park additions, not to exceed 3 gold panning  
14      outings per week.

15           (3) Guided interpretive trips, including an aver-  
16      age of four vehicle trips per day, not to exceed 28  
17      trips per week, into the Old Park (i.e. former Mount  
18      McKinley National Park).

19           (4) Guided and unguided canoeing on Wonder  
20      Lake, including the storage of five canoes on Won-  
21      der Lake.

22           (5) Transportation over the road between the  
23      north boundary of the Old Park and Wonder Lake,  
24      including Wonder Lake Campground, for an average  
25      of 10 trips per day not to exceed 70 trips per week.

1 (b) For purpose of implementing this section, the  
2 term “person” means the person who has a controlling  
3 interest in the entity described under subsection (a) or his  
4 lineal descendants born prior to January 1, 1979.

## 5 TITLE II

### 6 ENVIRONMENTAL PROTECTION AGENCY

#### 7 SCIENCE AND TECHNOLOGY

8 For science and technology, including research and  
9 development activities, which shall include research and  
10 development activities under the Comprehensive Environ-  
11 mental Response, Compensation, and Liability Act of  
12 1980, as amended; necessary expenses for personnel and  
13 related costs and travel expenses, including uniforms, or  
14 allowances therefor, as authorized by 5 U.S.C. 5901–  
15 5902; services as authorized by 5 U.S.C. 3109, but at  
16 rates for individuals not to exceed the per diem rate equiv-  
17 alent to the maximum rate payable for senior level posi-  
18 tions under 5 U.S.C. 5376; procurement of laboratory  
19 equipment and supplies; other operating expenses in sup-  
20 port of research and development; construction, alteration,  
21 repair, rehabilitation, and renovation of facilities, not to  
22 exceed \$85,000 per project, \$772,530,000, to remain  
23 available until September 30, 2009.

1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For environmental programs and management, in-  
3 cluding necessary expenses, not otherwise provided for, for  
4 personnel and related costs and travel expenses, including  
5 uniforms, or allowances therefor, as authorized by 5  
6 U.S.C. 5901–5902; services as authorized by 5 U.S.C.  
7 3109, but at rates for individuals not to exceed the per  
8 diem rate equivalent to the maximum rate payable for sen-  
9 ior level positions under 5 U.S.C. 5376; hire of passenger  
10 motor vehicles; hire, maintenance, and operation of air-  
11 craft; purchase of reprints; library memberships in soci-  
12 eties or associations which issue publications to members  
13 only or at a price to members lower than to subscribers  
14 who are not members; construction, alteration, repair, re-  
15 habilitation, and renovation of facilities, not to exceed  
16 \$85,000 per project; and not to exceed \$9,000 for official  
17 reception and representation expenses, \$2,384,121,000, to  
18 remain available until September 30, 2009, including ad-  
19 ministrative costs of the brownfields program under the  
20 Small Business Liability Relief and Brownfields Revital-  
21 ization Act of 2002.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector  
24 General in carrying out the provisions of the Inspector  
25 General Act of 1978, as amended, and for construction,

1 alteration, repair, rehabilitation, and renovation of facili-  
 2 ties, not to exceed \$85,000 per project, \$40,000,000, to  
 3 remain available until September 30, 2009.

#### 4 BUILDINGS AND FACILITIES

5 For construction, repair, improvement, extension, al-  
 6 teration, and purchase of fixed equipment or facilities of,  
 7 or for use by, the Environmental Protection Agency,  
 8 \$34,801,000, to remain available until expended.

#### 9 HAZARDOUS SUBSTANCE SUPERFUND

##### 10 (INCLUDING TRANSFERS OF FUNDS)

11 For necessary expenses to carry out the Comprehen-  
 12 sive Environmental Response, Compensation, and Liabil-  
 13 ity Act of 1980 (CERCLA), as amended, including sec-  
 14 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.  
 15 9611), and for construction, alteration, repair, rehabilita-  
 16 tion, and renovation of facilities, not to exceed \$85,000  
 17 per project; \$1,274,643,000, to remain available until ex-  
 18 pended, consisting of such sums as are available in the  
 19 Trust Fund on September 30, 2007, as authorized by sec-  
 20 tion 517(a) of the Superfund Amendments and Reauthor-  
 21 ization Act of 1986 (SARA) and up to \$1,274,643,000  
 22 as a payment from general revenues to the Hazardous  
 23 Substance Superfund for purposes as authorized by sec-  
 24 tion 517(b) of SARA, as amended: *Provided*, That funds  
 25 appropriated under this heading may be allocated to other



1 Federal agencies in accordance with section 111(a) of  
2 CERCLA: *Provided further*, That of the funds appro-  
3 priated under this heading, \$13,337,000 shall be trans-  
4 ferred to the “Office of Inspector General” appropriation  
5 to remain available until September 30, 2009, and  
6 \$26,126,000 shall be transferred to the “Science and  
7 Technology” appropriation to remain available until Sep-  
8 tember 30, 2009.

9 LEAKING UNDERGROUND STORAGE TANK TRUST FUND  
10 PROGRAM

11 For necessary expenses to carry out leaking under-  
12 ground storage tank cleanup activities authorized by sec-  
13 tion 205 of the Superfund Amendments and Reauthoriza-  
14 tion Act of 1986, and for construction, alteration, repair,  
15 rehabilitation, and renovation of facilities, not to exceed  
16 \$85,000 per project, \$72,493,000, to remain available  
17 until expended.

18 OIL SPILL RESPONSE

19 For expenses necessary to carry out the Environ-  
20 mental Protection Agency’s responsibilities under the Oil  
21 Pollution Act of 1990, \$17,487,000, to be derived from  
22 the Oil Spill Liability trust fund, to remain available until  
23 expended.

## 1 STATE AND TRIBAL ASSISTANCE GRANTS

2 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

3 For environmental programs and infrastructure as-  
4 sistance, including capitalization grants for State revolv-  
5 ing funds and performance partnership grants,  
6 \$3,181,853,000, to remain available until expended, of  
7 which \$887,000,000 shall be for making capitalization  
8 grants for the Clean Water State Revolving Funds under  
9 title VI of the Federal Water Pollution Control Act, as  
10 amended (the “Act”); \$842,167,000 shall be for capital-  
11 ization grants for the Drinking Water State Revolving  
12 Funds under section 1452 of the Safe Drinking Water  
13 Act, as amended; \$10,000,000 shall be for architectural,  
14 engineering, planning, design, construction and related ac-  
15 tivities in connection with the construction of high priority  
16 water and wastewater facilities in the area of the United  
17 States-Mexico Border, after consultation with the appro-  
18 priate border commission; \$30,000,000 shall be for grants  
19 to the State of Alaska to address drinking water and waste  
20 infrastructure needs of rural and Alaska Native Villages:  
21 *Provided*, That, of these funds: (1) the State of Alaska  
22 shall provide a match of 25 percent; (2) no more than  
23 5 percent of the funds may be used for administrative and  
24 overhead expenses; and (3) not later than October 1, 2005  
25 the State of Alaska shall make awards consistent with the

1 State-wide priority list established in 2004 for all water,  
2 sewer, waste disposal, and similar projects carried out by  
3 the State of Alaska that are funded under section 221 of  
4 the Federal Water Pollution Control Act (33 U.S.C. 1301)  
5 or the Consolidated Farm and Rural Development Act (7  
6 U.S.C. 1921 et seq.) which shall allocate not less than 25  
7 percent of the funds provided for projects in regional hub  
8 communities; \$140,000,000 shall be for making special  
9 project grants for the construction of drinking water,  
10 wastewater and storm water infrastructure and for water  
11 quality protection in accordance with the terms and condi-  
12 tions specified for such grants in the joint explanatory  
13 statement of the managers accompanying this Act, and,  
14 for purposes of these grants, each grantee shall contribute  
15 not less than 45 percent of the cost of the project unless  
16 the grantee is approved for a waiver by the Agency;  
17 \$89,258,000 shall be to carry out section 104(k) of the  
18 Comprehensive Environmental Response, Compensation,  
19 and Liability Act of 1980 (CERCLA), as amended, includ-  
20 ing grants, interagency agreements, and associated pro-  
21 gram support costs; \$50,000,000 for grants under title  
22 VII, subtitle G of the Energy Policy Act of 2005, as  
23 amended; \$15,000,000 shall be for grants for cost-effec-  
24 tive emissions reduction projects in accordance with the  
25 terms and conditions specified for such grants in the state-

1 ment of the managers accompanying this Act; and  
2 \$1,118,428,000 shall be for grants, including associated  
3 program support costs, to States, federally recognized  
4 tribes, interstate agencies, tribal consortia, and air pollu-  
5 tion control agencies for multi-media or single media pol-  
6 lution prevention, control and abatement and related ac-  
7 tivities, including activities pursuant to the provisions set  
8 forth under this heading in Public Law 104–134, and for  
9 making grants under section 103 of the Clean Air Act for  
10 particulate matter monitoring and data collection activi-  
11 ties subject to terms and conditions specified by the Ad-  
12 ministrator, of which \$49,495,000 shall be for carrying  
13 out section 128 of CERCLA, as amended, \$10,000,000  
14 shall be for Environmental Information Exchange Net-  
15 work grants, including associated program support costs,  
16 \$18,500,000 of the funds available for grants under sec-  
17 tion 106 of the Act shall be for water quality monitoring  
18 activities that meet EPA standards for statistically rep-  
19 resentative monitoring programs, \$22,500,000 to make  
20 grants to States under section 2007(f)(2) of the Solid  
21 Waste Disposal Act, as amended, and to federally recog-  
22 nized tribes under Public Law 105–276, and to provide  
23 financial assistance to States and federally-recognized  
24 tribes for the purposes authorized by title XV, subtitle B  
25 of the Energy Policy Act of 2005, with the exception of

1 leaking underground storage tank cleanup activities that  
2 are authorized by section 205 of Superfund Amendments  
3 and Reauthorization Act of 1986; \$12,000,000 shall be  
4 for targeted environmental remediation project grants, of  
5 which \$8,000,000 shall be provided for remedial activities  
6 at Hunter's Point Naval Shipyard, and of which  
7 \$4,000,000 shall be transferred to the State of Oklahoma  
8 for remediation and relocation efforts in the Tar Creek  
9 and Spring River watersheds in Oklahoma: *Provided fur-*  
10 *ther*, That the funds provided for Tar Creek project shall  
11 be transferred for the Oklahoma Department of Environ-  
12 mental Quality for ongoing relocation assistance as admin-  
13 istered by the Lead Impacted Communities Relocation As-  
14 sistance Trust and as conducted consistent with the use  
15 of prior unexpended funding in accordance with section  
16 3201 of Public Law 109-234 (120 Stat. 455-466): *Pro-*  
17 *vided further*, That notwithstanding section 603(d)(7) of  
18 the Federal Water Pollution Control Act, the limitation  
19 on the amounts in a State water pollution control revolv-  
20 ing fund that may be used by a State to administer the  
21 fund shall not apply to amounts included as principal in  
22 loans made by such fund in fiscal year 2008 and prior  
23 years where such amounts represent costs of admin-  
24 istering the fund to the extent that such amounts are or  
25 were deemed reasonable by the Administrator, accounted

1 for separately from other assets in the fund, and used for  
2 eligible purposes of the fund, including administration:  
3 *Provided further*, That for fiscal year 2008, and notwith-  
4 standing section 518(f) of the Act, the Administrator is  
5 authorized to use the amounts appropriated for any fiscal  
6 year under section 319 of that Act to make grants to fed-  
7 erally recognized Indian tribes pursuant to sections 319(h)  
8 and 518(e) of that Act: *Provided further*, That for fiscal  
9 year 2008, notwithstanding the limitation on amounts in  
10 section 518(c) of the Act, up to a total of 1½ percent  
11 of the funds appropriated for State Revolving Funds  
12 under title VI of that Act may be reserved by the Adminis-  
13 trator for grants under section 518(c) of that Act: *Pro-*  
14 *vided further*, That no funds provided by this Act to ad-  
15 dress the water, wastewater and other critical infrastruc-  
16 ture needs of the colonias in the United States along the  
17 United States-Mexico border shall be made available to a  
18 county or municipal government unless that government  
19 has established an enforceable local ordinance, or other  
20 zoning rule, which prevents in that jurisdiction the devel-  
21 opment or construction of any additional colonia areas, or  
22 the development within an existing colonia the construc-  
23 tion of any new home, business, or other structure which  
24 lacks water, wastewater, or other necessary infrastructure:  
25 *Provided further*, That from unobligated balances to carry

1 out projects and activities authorized in section 206(a) of  
2 the Act, \$5,000,000 are hereby cancelled.

3 ADMINISTRATIVE PROVISIONS

4 For fiscal year 2008, notwithstanding 31 U.S.C.  
5 6303(1) and 6305(1), the Administrator of the Environ-  
6 mental Protection Agency, in carrying out the Agency's  
7 function to implement directly Federal environmental pro-  
8 grams required or authorized by law in the absence of an  
9 acceptable tribal program, may award cooperative agree-  
10 ments to federally-recognized Indian Tribes or Intertribal  
11 consortia, if authorized by their member Tribes, to assist  
12 the Administrator in implementing Federal environmental  
13 programs for Indian Tribes required or authorized by law,  
14 except that no such cooperative agreements may be award-  
15 ed from funds designated for State financial assistance  
16 agreements.

17 The Administrator of the Environmental Protection  
18 Agency is authorized to collect and obligate pesticide reg-  
19 istration service fees in accordance with section 33 of the  
20 Federal Insecticide, Fungicide, and Rodenticide Act (as  
21 added by subsection (f)(2) of the Pesticide Registration  
22 Improvement Act of 2003), as amended.

23 Of the funds provided in the Environmental Pro-  
24 grams and Management Account, not less than  
25 \$2,000,000 shall be provided for activities to develop and

1 publish a draft rule no later than April 30, 2008 and a  
2 final rule no later than December 31, 2008 to require  
3 mandatory reporting of greenhouse gas emissions above  
4 appropriate thresholds in all sectors of the economy of the  
5 United States.

6       None of the funds provided in the Act may be used,  
7 directly or through grant, to pay or to provide reimburse-  
8 ment for payment of the salary of a consultant (whether  
9 retained by the Federal government or a grantee) at more  
10 than the daily rate paid for Level IV of the Executive  
11 Schedule, unless specifically authorized by law.

12       Notwithstanding any other provision of law, all  
13 grants issued under title VII, subtitle G of the Energy  
14 Policy Act of 2005, as amended, will be given only to eligi-  
15 ble entities for projects in areas not in attainment of the  
16 National Ambient Air Quality Standards for a criteria air  
17 pollutant.

18       None of the funds made available by this Act may  
19 be used in contravention of, or to delay the implementa-  
20 tion of, Executive Order No. 12898 of February 11, 1994  
21 (59 Fed. Reg. 7629; relating to Federal actions to address  
22 environmental justice in minority populations and low-in-  
23 come populations).



1 TITLE III  
2 RELATED AGENCIES  
3 DEPARTMENT OF AGRICULTURE  
4 FOREST SERVICE  
5 FOREST AND RANGELAND RESEARCH

6 For necessary expenses of forest and rangeland re-  
7 search as authorized by law, \$291,807,000, to remain  
8 available until expended: *Provided*, That of the funds pro-  
9 vided, \$62,329,000 is for the forest inventory and analysis  
10 program.

11 STATE AND PRIVATE FORESTRY

12 For necessary expenses of cooperating with and pro-  
13 viding technical and financial assistance to States, terri-  
14 tories, possessions, and others, and for forest health man-  
15 agement, including treatments of pests, pathogens, and  
16 invasive or noxious plants and for restoring and rehabili-  
17 tating forests damaged by pests or invasive plants, cooper-  
18 ative forestry, and education and land conservation activi-  
19 ties and conducting an international program,  
20 \$272,542,000, to remain available until expended, as au-  
21 thorized by law of which \$48,095,000 is to be derived from  
22 the Land and Water Conservation Fund: *Provided*, That  
23 none of the funds provided under this heading for the ac-  
24 quisition of lands or interests in lands shall be available  
25 until the Forest Service notifies the House Committee on  
26 Appropriations and the Senate Committee on Appropria-

1 tions, in writing, of specific contractual and grant details  
 2 including the non-Federal cost share.

3 NATIONAL FOREST SYSTEM

4 (INCLUDING TRANSFERS OF FUNDS)

5 For necessary expenses of the Forest Service, not  
 6 otherwise provided for, for management, protection, im-  
 7 provement, and utilization of the National Forest System,  
 8 \$1,500,234,000, to remain available until expended, which  
 9 shall include 50 percent of all moneys received during  
 10 prior fiscal years as fees collected under the Land and  
 11 Water Conservation Fund Act of 1965, as amended, in  
 12 accordance with section 4 of the Act (16 U.S.C. 460l-  
 13 6a(i)): *Provided*, That unobligated balances under this  
 14 heading available at the start of fiscal year 2008 shall be  
 15 displayed by budget line item in the fiscal year 2009 budg-  
 16 et justification: *Provided further*, That of the funds pro-  
 17 vided under this heading for Forest Products, \$4,000,000  
 18 shall be allocated to the Alaska Region, in addition to its  
 19 normal allocation for the purposes of preparing additional  
 20 timber for sale, to establish a 3-year timber supply and  
 21 such funds may be transferred to other appropriations ac-  
 22 counts as necessary to maximize accomplishment.

23 WILDLAND FIRE MANAGEMENT

24 (INCLUDING TRANSFERS OF FUNDS)

25 For necessary expenses for forest fire presuppression  
 26 activities on National Forest System lands, for emergency

1 fire suppression on or adjacent to such lands or other  
2 lands under fire protection agreement, hazardous fuels re-  
3 duction on or adjacent to such lands, and for emergency  
4 rehabilitation of burned-over National Forest System  
5 lands and water, \$1,982,482,000, to remain available until  
6 expended: *Provided*, That such funds including unobli-  
7 gated balances under this heading, are available for repay-  
8 ment of advances from other appropriations accounts pre-  
9 viously transferred for such purposes: *Provided further*,  
10 That such funds shall be available to reimburse State and  
11 other cooperating entities for services provided in response  
12 to wildfire and other emergencies or disasters to the extent  
13 such reimbursements by the Forest Service for non-fire  
14 emergencies are fully repaid by the responsible emergency  
15 management agency: *Provided further*, That not less than  
16 50 percent of any unobligated balances remaining (exclu-  
17 sive of amounts for hazardous fuels reduction) at the end  
18 of fiscal year 2008 shall be transferred to the fund estab-  
19 lished pursuant to section 3 of Public Law 71–319 (16  
20 U.S.C. 576 et seq.) if necessary to reimburse the fund for  
21 unpaid past advances: *Provided further*, That, notwith-  
22 standing any other provision of law, \$8,000,000 of funds  
23 appropriated under this appropriation shall be used for  
24 Fire Science Research in support of the Joint Fire Science  
25 Program: *Provided further*, That all authorities for the use

1 of funds, including the use of contracts, grants, and coop-  
2 erative agreements, available to execute the Forest and  
3 Rangeland Research appropriation, are also available in  
4 the utilization of these funds for Fire Science Research:  
5 *Provided further*, That funds provided shall be available  
6 for emergency rehabilitation and restoration, hazardous  
7 fuels reduction activities in the urban-wildland interface,  
8 support to Federal emergency response, and wildfire sup-  
9 pression activities of the Forest Service: *Provided further*,  
10 That of the funds provided, \$325,000,000 is for hazardous  
11 fuels reduction activities, \$6,189,000 is for rehabilitation  
12 and restoration, \$24,542,000 is for research activities and  
13 to make competitive research grants pursuant to the For-  
14 est and Rangeland Renewable Resources Research Act, as  
15 amended (16 U.S.C. 1641 et seq.), \$50,227,000 is for  
16 State fire assistance, \$8,000,000 is for volunteer fire as-  
17 sistance, \$15,119,000 is for forest health activities on  
18 Federal lands and \$10,014,000 is for forest health activi-  
19 ties on State and private lands: *Provided further*, That  
20 amounts in this paragraph may be transferred to the  
21 “State and Private Forestry”, “National Forest System”,  
22 and “Forest and Rangeland Research” accounts to fund  
23 State fire assistance, volunteer fire assistance, forest  
24 health management, forest and rangeland research, the  
25 Joint Fire Science Program, vegetation and watershed

1 management, heritage site rehabilitation, and wildlife and  
2 fish habitat management and restoration: *Provided fur-*  
3 *ther*, That transfers of any amounts in excess of those au-  
4 thorized in this paragraph, shall require approval of the  
5 House and Senate Committees on Appropriations in com-  
6 pliance with reprogramming procedures contained in the  
7 report accompanying this Act: *Provided further*, That  
8 funds provided under this heading for hazardous fuels  
9 treatments may be transferred to and made a part of the  
10 “National Forest System” account at the sole discretion  
11 of the Chief of the Forest Service thirty days after noti-  
12 fying the House and the Senate Committees on Appropria-  
13 tions: *Provided further*, That the costs of implementing  
14 any cooperative agreement between the Federal Govern-  
15 ment and any non-Federal entity may be shared, as mutu-  
16 ally agreed on by the affected parties: *Provided further*,  
17 That in addition to funds provided for State Fire Assist-  
18 ance programs, and subject to all authorities available to  
19 the Forest Service under the State and Private Forestry  
20 Appropriation, up to \$15,000,000 may be used on adja-  
21 cent non-Federal lands for the purpose of protecting com-  
22 munities when hazard reduction activities are planned on  
23 national forest lands that have the potential to place such  
24 communities at risk: *Provided further*, That included in  
25 funding for hazardous fuel reduction is \$5,000,000 for im-

1 plementing the Community Forest Restoration Act, Public  
 2 Law 106–393, title VI, and any portion of such funds  
 3 shall be available for use on non-Federal lands in accord-  
 4 ance with authorities available to the Forest Service under  
 5 the State and Private Forestry appropriation: *Provided*  
 6 *further*, That the Secretary of the Interior and the Sec-  
 7 retary of Agriculture may authorize the transfer of funds  
 8 appropriated for wildland fire management, in an aggre-  
 9 gate amount not to exceed \$10,000,000, between the De-  
 10 partments when such transfers would facilitate and expe-  
 11 dite jointly funded wildland fire management programs  
 12 and projects: *Provided further*, That of the funds provided  
 13 for hazardous fuels reduction, not to exceed \$5,000,000,  
 14 may be used to make grants, using any authorities avail-  
 15 able to the Forest Service under the State and Private  
 16 Forestry appropriation, for the purpose of creating incen-  
 17 tives for increased use of biomass from national forest  
 18 lands.

19 CAPITAL IMPROVEMENT AND MAINTENANCE

20 For necessary expenses of the Forest Service, not  
 21 otherwise provided for, \$444,090,000, to remain available  
 22 until expended for construction, reconstruction, mainte-  
 23 nance, and acquisition of buildings and other facilities,  
 24 and for construction, reconstruction, repair, decommis-  
 25 sioning, and maintenance of forest roads and trails by the  
 26 Forest Service as authorized by 16 U.S.C. 532–538 and

1 23 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000  
 2 of the funds provided herein for road maintenance shall  
 3 be available for the decommissioning of roads, including  
 4 unauthorized roads not part of the transportation system,  
 5 which are no longer needed: *Provided further*, That no  
 6 funds shall be expended to decommission any system road  
 7 until notice and an opportunity for public comment has  
 8 been provided on each decommissioning project: *Provided*  
 9 *further*, That notwithstanding any provision of law, the  
 10 Forest Service shall provide \$1,197,000 appropriated in  
 11 Public Law 110–5 within the Capital Improvement and  
 12 Maintenance appropriation in an advance direct lump sum  
 13 payment to West Virginia University for the planning and  
 14 construction of a research greenhouse facility as the Fed-  
 15 eral share in the construction of the new facility.

#### 16 LAND ACQUISITION

17 For expenses necessary to carry out the provisions  
 18 of the Land and Water Conservation Fund Act of 1965,  
 19 as amended (16 U.S.C. 460l–4 through 11), including ad-  
 20 ministrative expenses, and for acquisition of land or wa-  
 21 ters, or interest therein, in accordance with statutory au-  
 22 thority applicable to the Forest Service, \$48,245,000, to  
 23 be derived from the Land and Water Conservation Fund  
 24 and to remain available until expended.

1 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL  
 2 ACTS

3 For acquisition of lands within the exterior bound-  
 4 aries of the Cache, Uinta, and Wasatch National Forests,  
 5 Utah; the Toiyabe National Forest, Nevada; and the An-  
 6 geles, San Bernardino, Sequoia, and Cleveland National  
 7 Forests, California, as authorized by law, \$1,053,000, to  
 8 be derived from forest receipts.

9 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

10 For acquisition of lands, such sums, to be derived  
 11 from funds deposited by State, county, or municipal gov-  
 12 ernments, public school districts, or other public school au-  
 13 thorities, and for authorized expenditures from funds de-  
 14 posited by non-Federal parties pursuant to Land Sale and  
 15 Exchange Acts (16 U.S.C. 4601–516–617a, 555a; Public  
 16 Law 96–586; Public Law 76–589, 76–591; and 78–310),  
 17 pursuant to the Act of December 4, 1967, as amended  
 18 (16 U.S.C. 484a), to remain available until expended.

19 RANGE BETTERMENT FUND

20 For necessary expenses of range rehabilitation, pro-  
 21 tection, and improvement, 50 percent of all moneys re-  
 22 ceived during the prior fiscal year, as fees for grazing do-  
 23 mestic livestock on lands in National Forests in the 16  
 24 Western States, pursuant to section 401(b)(1) of Public  
 25 Law 94–579, as amended, to remain available until ex-  
 26 pended, of which not to exceed 6 percent shall be available



1 for administrative expenses associated with on-the-ground  
 2 range rehabilitation, protection, and improvements.

3 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND  
 4 RANGELAND RESEARCH

5 For expenses authorized by 16 U.S.C. 1643(b),  
 6 \$56,000, to remain available until expended, to be derived  
 7 from the fund established pursuant to the above Act.

8 MANAGEMENT OF NATIONAL FOREST LANDS FOR  
 9 SUBSISTENCE USES

10 For necessary expenses of the Forest Service to man-  
 11 age Federal lands in Alaska for subsistence uses under  
 12 title VIII of the Alaska National Interest Lands Conserva-  
 13 tion Act (Public Law 96-487), \$5,053,000, to remain  
 14 available until expended.

15 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

16 Appropriations to the Forest Service for the current  
 17 fiscal year shall be available for: (1) purchase of passenger  
 18 motor vehicles; acquisition of passenger motor vehicles  
 19 from excess sources, and hire of such vehicles; purchase,  
 20 lease, operation, maintenance, and acquisition of aircraft  
 21 from excess sources to maintain the operable fleet for use  
 22 in Forest Service wildland fire programs and other Forest  
 23 Service programs; notwithstanding other provisions of law,  
 24 existing aircraft being replaced may be sold, with proceeds  
 25 derived or trade-in value used to offset the purchase price  
 26 for the replacement aircraft; (2) services pursuant to 7

1 U.S.C. 2225, and not to exceed \$100,000 for employment  
2 under 5 U.S.C. 3109; (3) purchase, erection, and alter-  
3 ation of buildings and other public improvements (7  
4 U.S.C. 2250); (4) acquisition of land, waters, and inter-  
5 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses  
6 pursuant to the Volunteers in the National Forest Act of  
7 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost  
8 of uniforms as authorized by 5 U.S.C. 5901–5902; and  
9 (7) for debt collection contracts in accordance with 31  
10 U.S.C. 3718(c).

11       None of the funds made available under this Act shall  
12 be obligated or expended to abolish any region, to move  
13 or close any regional office for National Forest System  
14 administration of the Forest Service, Department of Agri-  
15 culture without the consent of the House and Senate Com-  
16 mittees on Appropriations.

17       Any appropriations or funds available to the Forest  
18 Service may be transferred to the Wildland Fire Manage-  
19 ment appropriation for forest firefighting, emergency re-  
20 habilitation of burned-over or damaged lands or waters  
21 under its jurisdiction, and fire preparedness due to severe  
22 burning conditions upon notification of the House and  
23 Senate Committees on Appropriations and if and only if  
24 all previously appropriated emergency contingent funds  
25 under the heading “Wildland Fire Management” have

1 been released by the President and apportioned and all  
2 wildfire suppression funds under the heading “Wildland  
3 Fire Management” are obligated.

4 Funds appropriated to the Forest Service shall be  
5 available for assistance to or through the Agency for Inter-  
6 national Development and the Foreign Agricultural Serv-  
7 ice in connection with forest and rangeland research, tech-  
8 nical information, and assistance in foreign countries, and  
9 shall be available to support forestry and related natural  
10 resource activities outside the United States and its terri-  
11 tories and possessions, including technical assistance, edu-  
12 cation and training, and cooperation with United States  
13 and international organizations.

14 None of the funds made available to the Forest Serv-  
15 ice under this Act shall be subject to transfer under the  
16 provisions of section 702(b) of the Department of Agri-  
17 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.  
18 147b.

19 None of the funds available to the Forest Service may  
20 be reprogrammed without the advance approval of the  
21 House and Senate Committees on Appropriations in ac-  
22 cordance with the reprogramming procedures contained in  
23 the report accompanying this Act.

24 Not more than \$73,285,000 of funds available to the  
25 Forest Service shall be transferred to the Working Capital

1 Fund of the Department of Agriculture. Nothing in this  
2 paragraph shall prohibit or limit the use of reimbursable  
3 agreements requested by the Forest Service in order to  
4 obtain services from the Department of Agriculture's Na-  
5 tional Information Technology Center.

6 Of the funds available to the Forest Service, \$4,000  
7 is available to the Chief of the Forest Service for official  
8 reception and representation expenses.

9 Pursuant to sections 405(b) and 410(b) of Public  
10 Law 101-593, of the funds available to the Forest Service,  
11 up to \$2,500,000 may be advanced in a lump sum to the  
12 National Forest Foundation to aid conservation partner-  
13 ship projects in support of the Forest Service mission,  
14 without regard to when the Foundation incurs expenses,  
15 for projects on or benefitting National Forest System  
16 lands or related to Forest Service programs: *Provided*,  
17 That the Foundation shall obtain, by the end of the period  
18 of Federal financial assistance, private contributions to  
19 match on at least one-for-one basis funds made available  
20 by the Forest Service: *Provided further*, That the Founda-  
21 tion may transfer Federal funds to a non-Federal recipient  
22 for a project at the same rate that the recipient has ob-  
23 tained the non-Federal matching funds: *Provided further*,  
24 That authorized investments of Federal funds held by the  
25 Foundation may be made only in interest-bearing obliga-

1 tions of the United States or in obligations guaranteed as  
2 to both principal and interest by the United States.

3 Pursuant to section 2(b)(2) of Public Law 98–244,  
4 \$2,650,000 of the funds available to the Forest Service  
5 shall be advanced to the National Fish and Wildlife Foun-  
6 dation in a lump sum to aid cost-share conservation  
7 projects, without regard to when expenses are incurred,  
8 on or benefitting National Forest System lands or related  
9 to Forest Service programs: *Provided*, That such funds  
10 shall be matched on at least a one-for-one basis by the  
11 Foundation or its subrecipients.

12 Funds appropriated to the Forest Service shall be  
13 available for payments to counties within the Columbia  
14 River Gorge National Scenic Area, pursuant to sections  
15 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–  
16 663.

17 Funds appropriated to the Forest Service shall be  
18 available for interactions with and providing technical as-  
19 sistance to rural communities and natural resource-based  
20 businesses for sustainable rural development purposes.

21 Notwithstanding any other provision of law, any ap-  
22 propriations or funds available to the Forest Service not  
23 to exceed \$500,000 may be used to reimburse the Office  
24 of the General Counsel (OGC), Department of Agri-  
25 culture, for travel and related expenses incurred as a re-

1 sult of OGC assistance or participation requested by the  
2 Forest Service at meetings, training sessions, management  
3 reviews, land purchase negotiations and similar non-litiga-  
4 tion related matters. Future budget justifications for both  
5 the Forest Service and the Department of Agriculture  
6 should clearly display the sums previously transferred and  
7 the requested funding transfers.

8       Any appropriations or funds available to the Forest  
9 Service may be used for necessary expenses in the event  
10 of law enforcement emergencies as necessary to protect  
11 natural resources and public or employee safety: *Provided*,  
12 That such amounts shall not exceed \$500,000.

13       An eligible individual who is employed in any project  
14 funded under title V of the Older American Act of 1965  
15 (42 U.S.C. 3056 et seq.) and administered by the Forest  
16 Service shall be considered to be a Federal employee for  
17 purposes of chapter 171 of title 28, United States Code.

18       Any funds appropriated to the Forest Service may  
19 be used to meet the non-Federal share requirement in sec-  
20 tion 502(c) of the Older American Act of 1965 (42 U.S.C.  
21 3056(c)(2)).

22       Funds available to the Forest Service, not to exceed  
23 \$45,000,000, shall be assessed for the purpose of per-  
24 forming facilities maintenance. Such assessments shall  
25 occur using a square foot rate charged on the same basis

1 the agency uses to assess programs for payment of rent,  
 2 utilities, and other support services.

3 Funds available to the Forest Service shall be avail-  
 4 able to conduct a program of up to \$4,500,000 for priority  
 5 projects within the scope of the approved budget, of which  
 6 \$2,500,000 shall be carried out by the Youth Conservation  
 7 Corps and \$2,000,000 shall be carried out under the au-  
 8 thority of the Public Lands Corps Healthy Forests Res-  
 9 toration Act of 2005, Public Law 109–154.

10 DEPARTMENT OF HEALTH AND HUMAN  
 11 SERVICES

12 INDIAN HEALTH SERVICE

13 INDIAN HEALTH SERVICES

14 For expenses necessary to carry out the Act of Au-  
 15 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-  
 16 tion Act, the Indian Health Care Improvement Act, and  
 17 titles II and III of the Public Health Service Act with re-  
 18 spect to the Indian Health Service, \$2,991,924,000, to-  
 19 gether with payments received during the fiscal year pur-  
 20 suant to 42 U.S.C. 238(b) for services furnished by the  
 21 Indian Health Service: *Provided*, That funds made avail-  
 22 able to tribes and tribal organizations through contracts,  
 23 grant agreements, or any other agreements or compacts  
 24 authorized by the Indian Self-Determination and Edu-  
 25 cation Assistance Act of 1975 (25 U.S.C. 450), shall be

1 deemed to be obligated at the time of the grant or contract  
2 award and thereafter shall remain available to the tribe  
3 or tribal organization without fiscal year limitation: *Pro-*  
4 *vided further*, That \$579,515,000 for contract medical  
5 care, including \$28,000,000 for the Indian Catastrophic  
6 Health Emergency Fund, shall remain available until ex-  
7 pended: *Provided further*, That no less than \$35,094,000  
8 is provided for maintaining operations of the urban Indian  
9 health program: *Provided further*, That of the funds pro-  
10 vided, up to \$27,000,000 shall remain available until ex-  
11 pended for implementation of the loan repayment program  
12 under section 108 of the Indian Health Care Improvement  
13 Act: *Provided further*, That funds provided in this Act may  
14 be used for one-year contracts and grants which are to  
15 be performed in two fiscal years, so long as the total obli-  
16 gation is recorded in the year for which the funds are ap-  
17 propriated: *Provided further*, That the amounts collected  
18 by the Secretary of Health and Human Services under the  
19 authority of title IV of the Indian Health Care Improve-  
20 ment Act shall remain available until expended for the  
21 purpose of achieving compliance with the applicable condi-  
22 tions and requirements of titles XVIII and XIX of the So-  
23 cial Security Act (exclusive of planning, design, or con-  
24 struction of new facilities): *Provided further*, That funding  
25 contained herein, and in any earlier appropriations Acts



1 for scholarship programs under the Indian Health Care  
2 Improvement Act (25 U.S.C. 1613) shall remain available  
3 until expended: *Provided further*, That amounts received  
4 by tribes and tribal organizations under title IV of the In-  
5 dian Health Care Improvement Act shall be reported and  
6 accounted for and available to the receiving tribes and  
7 tribal organizations until expended: *Provided further*,  
8 That, notwithstanding any other provision of law, of the  
9 amounts provided herein, not to exceed \$271,636,000  
10 shall be for payments to tribes and tribal organizations  
11 for contract or grant support costs associated with con-  
12 tracts, grants, self-governance compacts or annual funding  
13 agreements between the Indian Health Service and a tribe  
14 or tribal organization pursuant to the Indian Self-Deter-  
15 mination Act of 1975, as amended, prior to or during fis-  
16 cal year 2008, of which not to exceed \$5,000,000 may be  
17 used for contract support costs associated with new or ex-  
18 panded self-determination contracts, grants, self-govern-  
19 ance compacts or annual funding agreements: *Provided*  
20 *further*, That the Bureau of Indian Affairs may collect  
21 from the Indian Health Service and tribes and tribal orga-  
22 nizations operating health facilities pursuant to Public  
23 Law 93–638 such individually identifiable health informa-  
24 tion relating to disabled children as may be necessary for  
25 the purpose of carrying out its functions under the Indi-

viduals with Disabilities Education Act (20 U.S.C. 1400,  
 et seq.): *Provided further*, That funds available for the In-  
 dian Health Care Improvement Fund may be used, as  
 needed, to carry out activities typically funded under the  
 Indian Health Facilities account.

#### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement,  
 and equipment of health and related auxiliary facilities,  
 including quarters for personnel; preparation of plans,  
 specifications, and drawings; acquisition of sites, purchase  
 and erection of modular buildings, and purchases of trail-  
 ers; and for provision of domestic and community sanita-  
 tion facilities for Indians, as authorized by section 7 of  
 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian  
 Self-Determination Act, and the Indian Health Care Im-  
 provement Act, and for expenses necessary to carry out  
 such Acts and titles II and III of the Public Health Serv-  
 ice Act with respect to environmental health and facilities  
 support activities of the Indian Health Service,  
 \$375,475,000, to remain available until expended: *Pro-  
 vided*, That notwithstanding any other provision of law,  
 funds appropriated for the planning, design, construction  
 or renovation of health facilities for the benefit of an In-  
 dian tribe or tribes may be used to purchase land for sites  
 to construct, improve, or enlarge health or related facili-  
 ties: *Provided further*, That not to exceed \$500,000 shall

1 be used by the Indian Health Service to purchase  
2 TRANSAM equipment from the Department of Defense  
3 for distribution to the Indian Health Service and tribal  
4 facilities: *Provided further*, That none of the funds appro-  
5 priated to the Indian Health Service may be used for sani-  
6 tation facilities construction for new homes funded with  
7 grants by the housing programs of the United States De-  
8 partment of Housing and Urban Development: *Provided*  
9 *further*, That not to exceed \$1,000,000 from this account  
10 and the “Indian Health Services” account shall be used  
11 by the Indian Health Service to obtain ambulances for the  
12 Indian Health Service and tribal facilities in conjunction  
13 with an existing interagency agreement between the In-  
14 dian Health Service and the General Services Administra-  
15 tion: *Provided further*, That not to exceed \$500,000 shall  
16 be placed in a Demolition Fund, available until expended,  
17 to be used by the Indian Health Service for demolition  
18 of Federal buildings.

19 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

20 Appropriations in this Act to the Indian Health Serv-  
21 ice shall be available for services as authorized by 5 U.S.C.  
22 3109 but at rates not to exceed the per diem rate equiva-  
23 lent to the maximum rate payable for senior-level positions  
24 under 5 U.S.C. 5376; hire of passenger motor vehicles and  
25 aircraft; purchase of medical equipment; purchase of re-  
26 prints; purchase, renovation and erection of modular

1 buildings and renovation of existing facilities; payments  
2 for telephone service in private residences in the field,  
3 when authorized under regulations approved by the Sec-  
4 retary; and for uniforms or allowances therefor as author-  
5 ized by 5 U.S.C. 5901–5902; and for expenses of attend-  
6 ance at meetings which are concerned with the functions  
7 or activities for which the appropriation is made or which  
8 will contribute to improved conduct, supervision, or man-  
9 agement of those functions or activities.

10 In accordance with the provisions of the Indian  
11 Health Care Improvement Act, non-Indian patients may  
12 be extended health care at all tribally administered or In-  
13 dian Health Service facilities, subject to charges, and the  
14 proceeds along with funds recovered under the Federal  
15 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall  
16 be credited to the account of the facility providing the  
17 service and shall be available without fiscal year limitation.  
18 Notwithstanding any other law or regulation, funds trans-  
19 ferred from the Department of Housing and Urban Devel-  
20 opment to the Indian Health Service shall be administered  
21 under Public Law 86–121 (the Indian Sanitation Facili-  
22 ties Act) and Public Law 93–638, as amended.

23 Funds appropriated to the Indian Health Service in  
24 this Act, except those used for administrative and program

1 direction purposes, shall not be subject to limitations di-  
2 rected at curtailing Federal travel and transportation.

3       None of the funds made available to the Indian  
4 Health Service in this Act shall be used for any assess-  
5 ments or charges by the Department of Health and  
6 Human Services unless identified in the budget justifica-  
7 tion and provided in this Act, or approved by the House  
8 and Senate Committees on Appropriations through the re-  
9 programming process.

10       Notwithstanding any other provision of law, funds  
11 previously or herein made available to a tribe or tribal or-  
12 ganization through a contract, grant, or agreement au-  
13 thorized by title I or title V of the Indian Self-Determina-  
14 tion and Education Assistance Act of 1975 (25 U.S.C.  
15 450), may be deobligated and reobligated to a self-deter-  
16 mination contract under title I, or a self-governance agree-  
17 ment under title V of such Act and thereafter shall remain  
18 available to the tribe or tribal organization without fiscal  
19 year limitation.

20       None of the funds made available to the Indian  
21 Health Service in this Act shall be used to implement the  
22 final rule published in the Federal Register on September  
23 16, 1987, by the Department of Health and Human Serv-  
24 ices, relating to the eligibility for the health care services  
25 of the Indian Health Service until the Indian Health Serv-

1 ice has submitted a budget request reflecting the increased  
2 costs associated with the proposed final rule, and such re-  
3 quest has been included in an appropriations Act and en-  
4 acted into law.

5       With respect to functions transferred by the Indian  
6 Health Service to tribes or tribal organizations, the Indian  
7 Health Service is authorized to provide goods and services  
8 to those entities, on a reimbursable basis, including pay-  
9 ment in advance with subsequent adjustment. The reim-  
10 bursements received therefrom, along with the funds re-  
11 ceived from those entities pursuant to the Indian Self-De-  
12 termination Act, may be credited to the same or subse-  
13 quent appropriation account that provided the funding,  
14 with such amounts to remain available until expended.

15       Reimbursements for training, technical assistance, or  
16 services provided by the Indian Health Service will contain  
17 total costs, including direct, administrative, and overhead  
18 associated with the provision of goods, services, or tech-  
19 nical assistance.

20       The appropriation structure for the Indian Health  
21 Service may not be altered without prior consultation with  
22 the House and Senate Committees on Appropriations.

## 1 NATIONAL INSTITUTES OF HEALTH

## 2 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

## 3 SCIENCES

4 For necessary expenses for the National Institute of  
5 Environmental Health Sciences in carrying out activities  
6 set forth in section 311(a) of the Comprehensive Environ-  
7 mental Response, Compensation, and Liability Act of  
8 1980, as amended, and section 126(g) of the Superfund  
9 Amendments and Reauthorization Act of 1986,  
10 \$78,434,000.

## 11 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

## 12 REGISTRY

## 13 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

## 14 HEALTH

15 For necessary expenses for the Agency for Toxic Sub-  
16 stances and Disease Registry (ATSDR) in carrying out  
17 activities set forth in sections 104(i), 111(c)(4), and  
18 111(c)(14) of the Comprehensive Environmental Re-  
19 sponse, Compensation, and Liability Act of 1980  
20 (CERCLA), as amended; section 118(f) of the Superfund  
21 Amendments and Reauthorization Act of 1986, as amend-  
22 ed; and section 3019 of the Solid Waste Disposal Act, as  
23 amended, \$75,004,000, of which up to \$1,500,000, to re-  
24 main available until expended, is for Individual Learning  
25 Accounts for full-time equivalent employees of the Agency

1 for Toxic Substances and Disease Registry: *Provided*,  
 2 That notwithstanding any other provision of law, in lieu  
 3 of performing a health assessment under section 104(i)(6)  
 4 of CERCLA, the Administrator of ATSDR may conduct  
 5 other appropriate health studies, evaluations, or activities,  
 6 including, without limitation, biomedical testing, clinical  
 7 evaluations, medical monitoring, and referral to accredited  
 8 health care providers: *Provided further*, That in per-  
 9 forming any such health assessment or health study, eval-  
 10 uation, or activity, the Administrator of ATSDR shall not  
 11 be bound by the deadlines in section 104(i)(6)(A) of  
 12 CERCLA: *Provided further*, That none of the funds appro-  
 13 priated under this heading shall be available for ATSDR  
 14 to issue in excess of 40 toxicological profiles pursuant to  
 15 section 104(i) of CERCLA during fiscal year 2008, and  
 16 existing profiles may be updated as necessary.

## 17 OTHER RELATED AGENCIES

### 18 EXECUTIVE OFFICE OF THE PRESIDENT

#### 19 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF 20 ENVIRONMENTAL QUALITY

21 For necessary expenses to continue functions as-  
 22 signed to the Council on Environmental Quality and Office  
 23 of Environmental Quality pursuant to the National Envi-  
 24 ronmental Policy Act of 1969, the Environmental Quality  
 25 Improvement Act of 1970, and Reorganization Plan No.



1 1 of 1977, and not to exceed \$750 for official reception  
 2 and representation expenses, \$2,703,000: *Provided*, That  
 3 notwithstanding section 202 of the National Environ-  
 4 mental Policy Act of 1970, the Council shall consist of  
 5 one member, appointed by the President, by and with the  
 6 advice and consent of the Senate, serving as chairman and  
 7 exercising all powers, functions, and duties of the Council.

8 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD  
 9 SALARIES AND EXPENSES

10 For necessary expenses in carrying out activities pur-  
 11 suant to section 112(r)(6) of the Clean Air Act, as amend-  
 12 ed, including hire of passenger vehicles, uniforms or allow-  
 13 ances therefor, as authorized by 5 U.S.C. 5901–5902, and  
 14 for services authorized by 5 U.S.C. 3109 but at rates for  
 15 individuals not to exceed the per diem equivalent to the  
 16 maximum rate payable for senior level positions under 5  
 17 U.S.C. 5376, \$9,049,000: *Provided*, That the Chemical  
 18 Safety and Hazard Investigation Board (Board) shall have  
 19 not more than three career Senior Executive Service posi-  
 20 tions.

21 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION  
 22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of Navajo and  
 24 Hopi Indian Relocation as authorized by Public Law 93–  
 25 531, \$9,000,000, to remain available until expended: *Pro-*

1 *vided*, That funds provided in this or any other appropria-  
 2 tions Act are to be used to relocate eligible individuals and  
 3 groups including evictees from District 6, Hopi-partitioned  
 4 lands residents, those in significantly substandard hous-  
 5 ing, and all others certified as eligible and not included  
 6 in the preceding categories: *Provided further*, That none  
 7 of the funds contained in this or any other Act may be  
 8 used by the Office of Navajo and Hopi Indian Relocation  
 9 to evict any single Navajo or Navajo family who, as of  
 10 November 30, 1985, was physically domiciled on the lands  
 11 partitioned to the Hopi Tribe unless a new or replacement  
 12 home is provided for such household: *Provided further*,  
 13 That no relocatee will be provided with more than one new  
 14 or replacement home: *Provided further*, That the Office  
 15 shall relocate any certified eligible relocatees who have se-  
 16 lected and received an approved homesite on the Navajo  
 17 reservation or selected a replacement residence off the  
 18 Navajo reservation or on the land acquired pursuant to  
 19 25 U.S.C. 640d–10.

20 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE  
 21 CULTURE AND ARTS DEVELOPMENT

22 PAYMENT TO THE INSTITUTE

23 For payment to the Institute of American Indian and  
 24 Alaska Native Culture and Arts Development, as author-

1 ized by title XV of Public Law 99–498, as amended (20  
2 U.S.C. 56 part A), \$7,297,000.

3 SMITHSONIAN INSTITUTION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Smithsonian Institu-  
6 tion, as authorized by law, including research in the fields  
7 of art, science, and history; development, preservation, and  
8 documentation of the National Collections; presentation of  
9 public exhibits and performances; collection, preparation,  
10 dissemination, and exchange of information and publica-  
11 tions; conduct of education, training, and museum assist-  
12 ance programs; maintenance, alteration, operation, lease  
13 (for terms not to exceed 30 years), and protection of build-  
14 ings, facilities, and approaches; not to exceed \$100,000  
15 for services as authorized by 5 U.S.C. 3109; up to five  
16 replacement passenger vehicles; purchase, rental, repair,  
17 and cleaning of uniforms for employees, \$571,705,000, of  
18 which not to exceed \$19,968,000 for the instrumentation  
19 program, collections acquisition, exhibition reinstallation,  
20 the National Museum of African American History and  
21 Culture, and the repatriation of skeletal remains program  
22 shall remain available until expended; and of which  
23 \$1,578,000 for fellowships and scholarly awards shall re-  
24 main available until September 30, 2009; and including  
25 such funds as may be necessary to support American over-

1 seas research centers and a total of \$125,000 for the  
 2 Council of American Overseas Research Centers: *Provided*,  
 3 That funds appropriated herein are available for advance  
 4 payments to independent contractors performing research  
 5 services or participating in official Smithsonian presen-  
 6 tations.

#### 7 FACILITIES CAPITAL

8 For necessary expenses of repair, revitalization, and  
 9 alteration of facilities owned or occupied by the Smithso-  
 10 nian Institution, by contract or otherwise, as authorized  
 11 by section 2 of the Act of August 22, 1949 (63 Stat. 623),  
 12 and for construction, including necessary personnel,  
 13 \$125,000,000, to remain available until expended, of  
 14 which not to exceed \$10,000 is for services as authorized  
 15 by 5 U.S.C. 3109: *Provided*, That contracts awarded for  
 16 environmental systems, protection systems, and repair or  
 17 restoration of facilities of the Smithsonian Institution may  
 18 be negotiated with selected contractors and awarded on  
 19 the basis of contractor qualifications as well as price.

#### 20 NATIONAL GALLERY OF ART

#### 21 SALARIES AND EXPENSES

22 For the upkeep and operations of the National Gal-  
 23 lery of Art, the protection and care of the works of art  
 24 therein, and administrative expenses incident thereto, as  
 25 authorized by the Act of March 24, 1937 (50 Stat. 51),  
 26 as amended by the public resolution of April 13, 1939

1 (Public Resolution 9, Seventy-sixth Congress), including  
2 services as authorized by 5 U.S.C. 3109; payment in ad-  
3 vance when authorized by the treasurer of the Gallery for  
4 membership in library, museum, and art associations or  
5 societies whose publications or services are available to  
6 members only, or to members at a price lower than to the  
7 general public; purchase, repair, and cleaning of uniforms  
8 for guards, and uniforms, or allowances therefor, for other  
9 employees as authorized by law (5 U.S.C. 5901–5902);  
10 purchase or rental of devices and services for protecting  
11 buildings and contents thereof, and maintenance, alter-  
12 ation, improvement, and repair of buildings, approaches,  
13 and grounds; and purchase of services for restoration and  
14 repair of works of art for the National Gallery of Art by  
15 contracts made, without advertising, with individuals,  
16 firms, or organizations at such rates or prices and under  
17 such terms and conditions as the Gallery may deem prop-  
18 er, \$101,718,000, of which not to exceed \$3,350,000 for  
19 the special exhibition program shall remain available until  
20 expended.

21 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

22 For necessary expenses of repair, restoration and  
23 renovation of buildings, grounds and facilities owned or  
24 occupied by the National Gallery of Art, by contract or  
25 otherwise, as authorized, \$18,017,000, to remain available  
26 until expended: *Provided*, That contracts awarded for envi-

1 ronmental systems, protection systems, and exterior repair  
2 or renovation of buildings of the National Gallery of Art  
3 may be negotiated with selected contractors and awarded  
4 on the basis of contractor qualifications as well as price.

5 JOHN F. KENNEDY CENTER FOR THE PERFORMING  
6 ARTS

7 OPERATIONS AND MAINTENANCE

8 For necessary expenses for the operation, mainte-  
9 nance and security of the John F. Kennedy Center for  
10 the Performing Arts, \$20,200,000.

11 CAPITAL REPAIR AND RESTORATION

12 For necessary expenses for capital repair and restora-  
13 tion of the existing features of the building and site of  
14 the John F. Kennedy Center for the Performing Arts,  
15 \$23,150,000, to remain available until expended.

16 WOODROW WILSON INTERNATIONAL CENTER FOR  
17 SCHOLARS

18 SALARIES AND EXPENSES

19 For expenses necessary in carrying out the provisions  
20 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.  
21 1356) including hire of passenger vehicles and services as  
22 authorized by 5 U.S.C. 3109, \$9,718,000.

1 NATIONAL FOUNDATION ON THE ARTS AND THE  
2 HUMANITIES

3 NATIONAL ENDOWMENT FOR THE ARTS  
4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National  
6 Foundation on the Arts and the Humanities Act of 1965,  
7 as amended, \$133,412,000 shall be available to the Na-  
8 tional Endowment for the Arts for the support of projects  
9 and productions in the arts, including arts education and  
10 public outreach activities, through assistance to organiza-  
11 tions and individuals pursuant to section 5 of the Act, for  
12 program support, and for administering the functions of  
13 the Act, to remain available until expended: *Provided*,  
14 That funds appropriated herein shall be expended in ac-  
15 cordance with sections 309 and 311 of Public Law 108–  
16 447.

17 NATIONAL ENDOWMENT FOR THE HUMANITIES  
18 GRANTS AND ADMINISTRATION

19 For necessary expenses to carry out the National  
20 Foundation on the Arts and the Humanities Act of 1965,  
21 as amended, \$131,845,000, shall be available to the Na-  
22 tional Endowment for the Humanities for support of ac-  
23 tivities in the humanities, pursuant to section 7(c) of the  
24 Act, and for administering the functions of the Act, to  
25 remain available until expended.

## MATCHING GRANTS

1  
2 To carry out the provisions of section 10(a)(2) of the  
3 National Foundation on the Arts and the Humanities Act  
4 of 1965, as amended, \$14,510,000, to remain available  
5 until expended, of which \$9,479,000 shall be available to  
6 the National Endowment for the Humanities for the pur-  
7 poses of section 7(h): *Provided*, That this appropriation  
8 shall be available for obligation only in such amounts as  
9 may be equal to the total amounts of gifts, bequests, and  
10 devises of money, and other property accepted by the  
11 chairman or by grantees of the Endowment under the pro-  
12 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during  
13 the current and preceding fiscal years for which equal  
14 amounts have not previously been appropriated.

## ADMINISTRATIVE PROVISIONS

15  
16 None of the funds appropriated to the National  
17 Foundation on the Arts and the Humanities may be used  
18 to process any grant or contract documents which do not  
19 include the text of 18 U.S.C. 1913: *Provided*, That none  
20 of the funds appropriated to the National Foundation on  
21 the Arts and the Humanities may be used for official re-  
22 ception and representation expenses: *Provided further*,  
23 That funds from nonappropriated sources may be used as  
24 necessary for official reception and representation ex-  
25 penses: *Provided further*, That the Chairperson of the Na-



1 tional Endowment for the Arts may approve grants of up  
 2 to \$10,000, if in the aggregate this amount does not ex-  
 3 ceed 5 percent of the sums appropriated for grant-making  
 4 purposes per year: *Provided further*, That such small grant  
 5 actions are taken pursuant to the terms of an expressed  
 6 and direct delegation of authority from the National Coun-  
 7 cil on the Arts to the Chairperson: *Provided further*, That  
 8 section 309(1) of division E, Public Law 108–447, is  
 9 amended by inserting “National Opera Fellowship,” after  
 10 “National Heritage Fellowship,”.

#### 11 COMMISSION OF FINE ARTS

#### 12 SALARIES AND EXPENSES

13 For expenses made necessary by the Act establishing  
 14 a Commission of Fine Arts (40 U.S.C. 104), \$2,192,000:  
 15 *Provided*, That the Commission is authorized to charge  
 16 fees to cover the full costs of its publications, and such  
 17 fees shall be credited to this account as an offsetting col-  
 18 lection, to remain available until expended without further  
 19 appropriation.

#### 20 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

21 For necessary expenses as authorized by Public Law  
 22 99–190 (20 U.S.C. 956a), as amended, \$7,200,000.

1       ADVISORY COUNCIL ON HISTORIC PRESERVATION  
 2                               SALARIES AND EXPENSES

3       For necessary expenses of the Advisory Council on  
 4 Historic Preservation (Public Law 89–665, as amended),  
 5 \$5,348,000: *Provided*, That none of these funds shall be  
 6 available for compensation of level V of the Executive  
 7 Schedule or higher positions.

8       NATIONAL CAPITAL PLANNING COMMISSION  
 9                               SALARIES AND EXPENSES

10      For necessary expenses, as authorized by the Na-  
 11 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),  
 12 including services as authorized by 5 U.S.C. 3109,  
 13 \$8,265,000: *Provided*, That one-quarter of 1 percent of  
 14 the funds provided under this heading may be used for  
 15 official reception and representational expenses associated  
 16 with hosting international visitors engaged in the planning  
 17 and physical development of world capitals.

18      UNITED STATES HOLOCAUST MEMORIAL MUSEUM  
 19                               HOLOCAUST MEMORIAL MUSEUM

20      For expenses of the Holocaust Memorial Museum, as  
 21 authorized by Public Law 106–292 (36 U.S.C. 2301–  
 22 2310), \$45,496,000, of which \$515,000 for the equipment  
 23 replacement program shall remain available until Sep-  
 24 tember 30, 2010; and \$1,900,000 for the museum’s repair  
 25 and rehabilitation program and \$1,264,000 for the muse-

1 um's exhibition design and production program shall re-  
 2 main available until expended.

### 3 PRESIDIO TRUST

#### 4 PRESIDIO TRUST FUND

5 For necessary expenses to carry out title I of the Om-  
 6 nibus Parks and Public Lands Management Act of 1996,  
 7 \$18,450,000 shall be available to the Presidio Trust, to  
 8 remain available until expended.

### 9 WHITE HOUSE COMMISSION ON THE NATIONAL

#### 10 MOMENT OF REMEMBRANCE

#### 11 SALARIES AND EXPENSES

12 For necessary expenses of the White House Commis-  
 13 sion on the National Moment of Remembrance, \$200,000.

## 14 TITLE IV

### 15 GENERAL PROVISIONS

16 SEC. 401. The expenditure of any appropriation  
 17 under this Act for any consulting service through procure-  
 18 ment contract, pursuant to 5 U.S.C. 3109, shall be limited  
 19 to those contracts where such expenditures are a matter  
 20 of public record and available for public inspection, except  
 21 where otherwise provided under existing law, or under ex-  
 22 isting Executive Order issued pursuant to existing law.

23 SEC. 402. No part of any appropriation contained in  
 24 this Act shall be available for any activity or the publica-  
 25 tion or distribution of literature that in any way tends to

1 promote public support or opposition to any legislative  
2 proposal on which Congressional action is not complete  
3 other than to communicate to Members of Congress as  
4 described in 18 U.S.C. 1913.

5       SEC. 403. None of the funds provided in this Act to  
6 any department or agency shall be obligated or expended  
7 to provide a personal cook, chauffeur, or other personal  
8 servants to any officer or employee of such department  
9 or agency except as otherwise provided by law.

10       SEC. 404. Estimated overhead charges, deductions,  
11 reserves or holdbacks from programs, projects, activities  
12 and subactivities to support government-wide, depart-  
13 mental, agency or bureau administrative functions or  
14 headquarters, regional or central operations shall be pre-  
15 sented in annual budget justifications and subject to ap-  
16 proval by the Committees on Appropriations. Changes to  
17 such estimates shall be presented to the Committees on  
18 Appropriations for approval.

19       SEC. 405. None of the funds in this Act may be used  
20 to plan, prepare, or offer for sale timber from trees classi-  
21 fied as giant sequoia (*Sequoiadendron giganteum*) which  
22 are located on National Forest System or Bureau of Land  
23 Management lands in a manner different than such sales  
24 were conducted in fiscal year 2007.

1       SEC. 406. (a) LIMITATION OF FUNDS.—None of the  
2 funds appropriated or otherwise made available pursuant  
3 to this Act shall be obligated or expended to accept or  
4 process applications for a patent for any mining or mill  
5 site claim located under the general mining laws.

6       (b) EXCEPTIONS.—The provisions of subsection (a)  
7 shall not apply if the Secretary of the Interior determines  
8 that, for the claim concerned: (1) a patent application was  
9 filed with the Secretary on or before September 30, 1994;  
10 and (2) all requirements established under sections 2325  
11 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)  
12 for vein or lode claims and sections 2329, 2330, 2331,  
13 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and  
14 37) for placer claims, and section 2337 of the Revised  
15 Statutes (30 U.S.C. 42) for mill site claims, as the case  
16 may be, were fully complied with by the applicant by that  
17 date.

18       (c) REPORT.—On September 30, 2008, the Secretary  
19 of the Interior shall file with the House and Senate Com-  
20 mittees on Appropriations and the Committee on Re-  
21 sources of the House of Representatives and the Com-  
22 mittee on Energy and Natural Resources of the Senate  
23 a report on actions taken by the Department under the  
24 plan submitted pursuant to section 314(c) of the Depart-

1 ment of the Interior and Related Agencies Appropriations  
2 Act, 1997 (Public Law 104–208).

3 (d) MINERAL EXAMINATIONS.—In order to process  
4 patent applications in a timely and responsible manner,  
5 upon the request of a patent applicant, the Secretary of  
6 the Interior shall allow the applicant to fund a qualified  
7 third-party contractor to be selected by the Bureau of  
8 Land Management to conduct a mineral examination of  
9 the mining claims or mill sites contained in a patent appli-  
10 cation as set forth in subsection (b). The Bureau of Land  
11 Management shall have the sole responsibility to choose  
12 and pay the third-party contractor in accordance with the  
13 standard procedures employed by the Bureau of Land  
14 Management in the retention of third-party contractors.

15 SEC. 407. Amounts deposited during fiscal year 2007  
16 in the roads and trails fund provided for in the 14th para-  
17 graph under the heading “FOREST SERVICE” of the  
18 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall  
19 be used by the Secretary of Agriculture, without regard  
20 to the State in which the amounts were derived, to repair  
21 or reconstruct roads, bridges, and trails on National For-  
22 est System lands or to carry out and administer projects  
23 to improve forest health conditions, which may include the  
24 repair or reconstruction of roads, bridges, and trails on  
25 National Forest System lands in the wildland-community

1 interface where there is an abnormally high risk of fire.  
2 The projects shall emphasize reducing risks to human  
3 safety and public health and property and enhancing eco-  
4 logical functions, long-term forest productivity, and bio-  
5 logical integrity. The projects may be completed in a sub-  
6 sequent fiscal year. Funds shall not be expended under  
7 this section to replace funds which would otherwise appro-  
8 priately be expended from the timber salvage sale fund.  
9 Nothing in this section shall be construed to exempt any  
10 project from any environmental law.

11 SEC. 408. Prior to October 1, 2008, the Secretary  
12 of Agriculture shall not be considered to be in violation  
13 of subparagraph 6(f)(5)(A) of the Forest and Rangeland  
14 Renewable Resources Planning Act of 1974 (16 U.S.C.  
15 1604(f)(5)(A)) solely because more than 15 years have  
16 passed without revision of the plan for a unit of the Na-  
17 tional Forest System. Nothing in this section exempts the  
18 Secretary from any other requirement of the Forest and  
19 Rangeland Renewable Resources Planning Act (16 U.S.C.  
20 1600 et seq.) or any other law: *Provided*, That if the Sec-  
21 retary is not acting expeditiously and in good faith, within  
22 the funding available, to revise a plan for a unit of the  
23 National Forest System, this section shall be void with re-  
24 spect to such plan and a court of proper jurisdiction may  
25 order completion of the plan on an accelerated basis.

1        SEC. 409. No timber sale in Region 10 shall be adver-  
2        tised if the indicated rate is deficit when appraised using  
3        a residual value approach that assigns domestic Alaska  
4        values for western redcedar. Program accomplishments  
5        shall be based on volume sold. Should Region 10 sell, in  
6        the current fiscal year, the annual average portion of the  
7        decadal allowable sale quantity called for in the current  
8        Tongass Land Management Plan in sales which are not  
9        deficit when appraised using a residual value approach  
10       that assigns domestic Alaska values for western redcedar,  
11       all of the western redcedar timber from those sales which  
12       is surplus to the needs of domestic processors in Alaska,  
13       shall be made available to domestic processors in the con-  
14       tiguous 48 United States at prevailing domestic prices.  
15       Should Region 10 sell, in the current fiscal year, less than  
16       the annual average portion of the decadal allowable sale  
17       quantity called for in the Tongass Land Management Plan  
18       in sales which are not deficit when appraised using a resid-  
19       ual value approach that assigns domestic Alaska values  
20       for western redcedar, the volume of western redcedar tim-  
21       ber available to domestic processors at prevailing domestic  
22       prices in the contiguous 48 United States shall be that  
23       volume: (1) which is surplus to the needs of domestic proc-  
24       essors in Alaska; and (2) is that percent of the surplus  
25       western redcedar volume determined by calculating the



1 ratio of the total timber volume which has been sold on  
2 the Tongass to the annual average portion of the decadal  
3 allowable sale quantity called for in the current Tongass  
4 Land Management Plan. The percentage shall be cal-  
5 culated by Region 10 on a rolling basis as each sale is  
6 sold (for purposes of this amendment, a “rolling basis”  
7 shall mean that the determination of how much western  
8 redcedar is eligible for sale to various markets shall be  
9 made at the time each sale is awarded). Western redcedar  
10 shall be deemed “surplus to the needs of domestic proc-  
11 essors in Alaska” when the timber sale holder has pre-  
12 sented to the Forest Service documentation of the inability  
13 to sell western redcedar logs from a given sale to domestic  
14 Alaska processors at a price equal to or greater than the  
15 log selling value stated in the contract. All additional west-  
16 ern redcedar volume not sold to Alaska or contiguous 48  
17 United States domestic processors may be exported to for-  
18 eign markets at the election of the timber sale holder. All  
19 Alaska yellow cedar may be sold at prevailing export prices  
20 at the election of the timber sale holder.

21 SEC. 410. No funds provided in this Act may be ex-  
22 pended to conduct preleasing, leasing and related activities  
23 under either the Mineral Leasing Act (30 U.S.C. 181 et  
24 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.  
25 1331 et seq.) within the boundaries of a National Monu-

1 ment established pursuant to the Act of June 8, 1906 (16  
2 U.S.C. 431 et seq.) as such boundary existed on January  
3 20, 2001, except where such activities are allowed under  
4 the Presidential proclamation establishing such monu-  
5 ment.

6 SEC. 411. In entering into agreements with foreign  
7 countries pursuant to the Wildfire Suppression Assistance  
8 Act (42 U.S.C. 1856m) the Secretary of Agriculture and  
9 the Secretary of the Interior are authorized to enter into  
10 reciprocal agreements in which the individuals furnished  
11 under said agreements to provide wildfire services are con-  
12 sidered, for purposes of tort liability, employees of the  
13 country receiving said services when the individuals are  
14 engaged in fire suppression: *Provided*, That the Secretary  
15 of Agriculture or the Secretary of the Interior shall not  
16 enter into any agreement under this provision unless the  
17 foreign country (either directly or through its fire organi-  
18 zation) agrees to assume any and all liability for the acts  
19 or omissions of American firefighters engaged in fire-  
20 fighting in a foreign country: *Provided further*, That when  
21 an agreement is reached for furnishing fire fighting serv-  
22 ices, the only remedies for acts or omissions committed  
23 while fighting fires shall be those provided under the laws  
24 of the host country, and those remedies shall be the exclu-  
25 sive remedies for any claim arising out of fighting fires

1 in a foreign country: *Provided further*, That neither the  
2 sending country nor any legal organization associated with  
3 the firefighter shall be subject to any legal action whatso-  
4 ever pertaining to or arising out of the firefighter's role  
5 in fire suppression.

6       SEC. 412. In awarding a Federal contract with funds  
7 made available by this Act, notwithstanding Federal Gov-  
8 ernment procurement and contracting laws, the Secretary  
9 of Agriculture and the Secretary of the Interior (the "Sec-  
10 retaries") may, in evaluating bids and proposals, give con-  
11 sideration to local contractors who are from, and who pro-  
12 vide employment and training for, dislocated and displaced  
13 workers in an economically disadvantaged rural commu-  
14 nity, including those historically timber-dependent areas  
15 that have been affected by reduced timber harvesting on  
16 Federal lands and other forest-dependent rural commu-  
17 nities isolated from significant alternative employment op-  
18 portunities: *Provided*, That notwithstanding Federal Gov-  
19 ernment procurement and contracting laws the Secretaries  
20 may award contracts, grants or cooperative agreements to  
21 local non-profit entities, Youth Conservation Corps or re-  
22 lated partnerships with State, local or non-profit youth  
23 groups, or small or micro-business or disadvantaged busi-  
24 ness: *Provided further*, That the contract, grant, or cooper-  
25 ative agreement is for forest hazardous fuels reduction,

1 watershed or water quality monitoring or restoration, wild-  
2 life or fish population monitoring, or habitat restoration  
3 or management: *Provided further*, That the terms “rural  
4 community” and “economically disadvantaged” shall have  
5 the same meanings as in section 2374 of Public Law 101–  
6 624: *Provided further*, That the Secretaries shall develop  
7 guidance to implement this section: *Provided further*, That  
8 nothing in this section shall be construed as relieving the  
9 Secretaries of any duty under applicable procurement  
10 laws, except as provided in this section.

11 SEC. 413. (a) Notwithstanding any other provision  
12 of law and hereinafter, after September 30, 2006, the In-  
13 dian Health Service may not disburse funds for the provi-  
14 sion of health care services pursuant to Public Law 93–  
15 638 (25 U.S.C. 450 et seq.) to any Alaska Native village  
16 or Alaska Native village corporation that is located within  
17 the area served by an Alaska Native regional health entity.

18 (b) Nothing in this section shall be construed to pro-  
19 hibit the disbursement of funds to any Alaska Native village  
20 or Alaska Native village corporation under any contract  
21 or compact entered into prior to May 1, 2006, or to pro-  
22 hibit the renewal of any such agreement.

23 (c) For the purpose of this section, Eastern Aleutian  
24 Tribes, Inc. and the Council of Athabascan Tribal Govern-  
25 ments shall be treated as Alaska Native regional health

1 entities to which funds may be disbursed under this sec-  
2 tion.

3       SEC. 414. Unless otherwise provided herein, no funds  
4 appropriated in this Act for the acquisition of lands or  
5 interests in lands may be expended for the filing of dec-  
6 larations of taking or complaints in condemnation without  
7 the approval of the House and Senate Committees on Ap-  
8 propriations: *Provided*, That this provision shall not apply  
9 to funds appropriated to implement the Everglades Na-  
10 tional Park Protection and Expansion Act of 1989, or to  
11 funds appropriated for Federal assistance to the State of  
12 Florida to acquire lands for Everglades restoration pur-  
13 poses.

14       SEC. 415. (a) LIMITATION ON COMPETITIVE  
15 SOURCING STUDIES.—

16           (1) Of the funds made available by this or any  
17 other Act to the Department of the Interior for fis-  
18 cal year 2008, not more than \$3,450,000 may be  
19 used by the Secretary of the Interior to initiate or  
20 continue competitive sourcing studies in fiscal year  
21 2008 for programs, projects, and activities for which  
22 funds are appropriated by this Act until such time  
23 as the Secretary concerned submits a reprogram-  
24 ming proposal to the Committees on Appropriations  
25 of the Senate and the House of Representatives, and

1       such proposal has been processed consistent with the  
2       reprogramming guidelines included in the report ac-  
3       companying this Act.

4           (2) None of the funds available to the Forest  
5       Service may be used in fiscal year 2008 for competi-  
6       tive sourcing studies and related activities.

7       (b) COMPETITIVE SOURCING STUDY DEFINED.—In  
8       this section, the term “competitive sourcing study” means  
9       a study on subjecting work performed by Federal Govern-  
10      ment employees or private contractors to public-private  
11      competition or on converting the Federal Government em-  
12      ployees or the work performed by such employees to pri-  
13      vate contractor performance under the Office of Manage-  
14      ment and Budget Circular A-76 or any other administra-  
15      tive regulation, directive, or policy.

16      (c) COMPETITIVE SOURCING EXEMPTION FOR FOR-  
17      EST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL  
18      YEAR 2006.—The Forest Service is hereby exempted from  
19      implementing the Letter of Obligation and post-competi-  
20      tion accountability guidelines where a competitive sourcing  
21      study involved 65 or fewer full-time equivalents, the per-  
22      formance decision was made in favor of the agency pro-  
23      vider, no net savings was achieved by conducting the  
24      study, and the study was completed prior to the date of  
25      this Act.

1 (d) In preparing any reports to the Committees on  
2 Appropriations on competitive sourcing activities, agencies  
3 funded in this Act shall include all costs attributable to  
4 conducting the competitive sourcing competitions and  
5 staff work to prepare for competitions or to determine the  
6 feasibility of starting competitions, including costs attrib-  
7 utable to paying outside consultants and contractors and,  
8 in accordance with full cost accounting principles, all costs  
9 attributable to developing, implementing, supporting,  
10 managing, monitoring, and reporting on competitive  
11 sourcing, including personnel, consultant, travel, and  
12 training costs associated with program management.

13 (e) In carrying out any competitive sourcing study  
14 involving Department of the Interior employees, the Sec-  
15 retary of the Interior shall—

16 (1) determine whether any of the employees  
17 concerned are also qualified to participate in  
18 wildland fire management activities; and

19 (2) take into consideration the effect that con-  
20 tracting with a private sector source would have on  
21 the ability of the Department of the Interior to ef-  
22 fectively and efficiently fight and manage wildfires.

23 SEC. 416. Section 331 of the Department of the Inte-  
24 rior and Related Agencies Appropriations Act, 2000 (as  
25 enacted into law by section 1000(a)(3) of Public Law 106–

1 113; 113 Stat. 1501A–196; 16 U.S.C. 497 note), as  
2 amended, is amended—

3 (1) in subsection (a) by striking “2006” and in-  
4 serting “2008”; and

5 (2) in subsection (b) by striking “2006” and in-  
6 serting “2008”.

7 SEC. 417. Section 337(a) of the Department of the  
8 Interior and Related Agencies Appropriations Act, 2005  
9 (Public Law 108–447; 118 Stat. 3012) is amended by  
10 striking “September 30, 2006” and inserting “September  
11 30, 2008”.

12 SEC. 418. Section 321 of the Consolidated Appropria-  
13 tions Act, 2003, as included in Public Law 108–7, is  
14 amended by striking “September 30, 2007” and inserting  
15 “September 30, 2009”.

16 SEC. 419. Section 339 of division E of the Consoli-  
17 dated Appropriations Act of 2005 as included in Public  
18 Law 108–447 is amended by striking “2005 through  
19 2007” and inserting “2005 through 2010.”

20 SEC. 420. A permit fee collected during fiscal year  
21 2007 by the Secretary of Agriculture under the Act of  
22 March 4, 1915 (16 U.S.C. 497) for a marina on the Shas-  
23 ta-Trinity National Forest shall be deposited in a special  
24 account in the Treasury established for the Secretary of  
25 Agriculture, and shall remain available to the Secretary



1 of Agriculture until expended, without further appropria-  
2 tion, for purposes stated in section 808(a)(3)(A–D) of title  
3 VIII of division J of Public Law 108–447 (16 U.S.C.  
4 6807), and for direct operating or capital costs associated  
5 with the issuance of a marina permit.

6       SEC. 421. The Forest Service shall allocate to the Re-  
7 gions of the Forest Service, \$40,000,000 from the current  
8 balance in the “timber roads purchaser election fund”, to  
9 remain available until expended, for the following pur-  
10 poses: vegetative treatments in timber stands at high risk  
11 of fire due to insect, disease, or drought; road work in  
12 support of vegetative treatments to support forest health  
13 objectives; and maintaining infrastructure for the proc-  
14 essing of woody fiber in Regions where it is critical to sus-  
15 taining local economies and fulfilling the forest health ob-  
16 jectives of the Forest Service.

17       SEC. 422. (a) AUTHORIZATION.—To offset Federal  
18 acquisition of the Elkhorn Ranch in Medora, North Da-  
19 kota, the Secretary of Agriculture (‘Secretary’) shall sell  
20 5,200 acres, of National Forest System lands in Billings  
21 County, North Dakota.

22       (b) LAND SALES.—

23               (1) The Secretary may prescribe reservations,  
24 terms, and conditions of sale, and may configure the

1 descriptions of the lands subject to sale in order to  
2 enhance marketability or for management purposes;

3 (2) Land shall be sold for cash in an amount  
4 no less than market value as determined by ap-  
5 praisal or competitive sale;

6 (3) The Secretary may reject any offer made  
7 under this section if the Secretary determines, in his  
8 absolute discretion, that the offer is not adequate or  
9 not in the public interest;

10 (4) Under such terms, conditions, and proce-  
11 dures as the Secretary may prescribe, any base  
12 property landowner holding a current permit to  
13 graze any land authorized for sale under this section  
14 shall have a non-assignable first right to buy the  
15 land, provided the right is exercised within 6 months  
16 of an offer from the Secretary;

17 (5) The Secretary may utilize brokers or other  
18 third parties in the sale of land and, from the pro-  
19 ceeds of the sale, may pay reasonable commissions  
20 or fees for services rendered.

21 (c) RECEIPTS.—From receipts from the sale of lands  
22 authorized by this section, the Secretary shall first cover  
23 direct expenses incurred in sale, and any remaining re-  
24 ceipts shall be deposited into the fund established by the  
25 Act of December 4, 1967, commonly known as the Sisk

1 Act (16 U.S.C. 484a), to be available until expended, for  
2 acquisitions of National Forest System lands in North Da-  
3 kota with priority given to lands for which funds have  
4 heretofore been appropriated for purchase. Funds so de-  
5 posited in the Sisk Act fund shall not be subject to trans-  
6 fer or reprogramming for wildland fire management or  
7 any other emergency purposes.

8 (d) LAND TRANSFERS.—

9 (1) It is the intent of Congress that the acreage  
10 acquired into Federal ownership as a result of the  
11 acquisition of Elkhorn Ranch shall be offset by the  
12 sale of an equal amount of Federal land. The lands  
13 to be conveyed from Federal ownership are to be  
14 conveyed from fiscal years 2007 through 2009, and  
15 are to be at least equal in acreage to the ranch land  
16 acquired by the Forest Service. There will be no net  
17 gain in federally owned land in North Dakota as a  
18 result of these land conveyances.

19 (e) LIMITATIONS.—

20 (1) In the sale or conveyance of any land au-  
21 thorized by this section, the Secretary shall not be  
22 required to conduct additional environmental anal-  
23 ysis, including heritage resource analysis and no  
24 sale, offer to sell, or conveyance shall be subject to  
25 administrative appeal.

1           (2) The requirement of this section for offset of  
2           the amount of lands acquired and the amount of  
3           lands sold or conveyed shall apply only to the Elk-  
4           horn Ranch acquisition and does not apply to any  
5           other Federal land acquisitions authorized by law.

6           (3) The lease terms on the Elkhorn Ranch shall  
7           remain in effect until December 31, 2009. At which  
8           time the Federal land grazing use shall be managed  
9           through the grazing agreement between the Medora  
10          Grazing Association and the Forest Service as of the  
11          date of the enactment of this bill. The Animal Unit  
12          Months (AUMs) for both Federal and private lands  
13          encompassing the Elkhorn Ranch shall become part  
14          of the grazing agreement held by Medora Grazing  
15          Association to be reallocated to its members in ac-  
16          cordance with their rules in effect as of the date of  
17          this bill.

18          (4) The multiple uses of the acquired Elkhorn  
19          Ranch site shall continue.

20          (f) This section shall take effect as of the date of en-  
21          actment of this Act.

22          SEC. 423. In fiscal year 2008, The Forest Service  
23          shall not change the eligibility requirements for base prop-  
24          erty, and livestock ownership as they relate to leasing of  
25          base property and shared livestock agreements for grazing

1 permits on the Dakota Prairie Grasslands that were in  
2 effect as of July 18, 2005.

3 SEC. 424. Notwithstanding the provisions of section  
4 35(b) of the Mineral Leasing Act, as amended (30 U.S.C.  
5 191(b)), before disbursing a payment to a State, the Sec-  
6 retary shall deduct 2 percent from the amount payable to  
7 that State and deposit the amount deducted to miscella-  
8 neous receipts of the United States Treasury.

9 SEC. 425. The Arts and Artifacts Indemnity Act  
10 (Public Law 94–158) is amended—

11 (1) in section 3(a) by striking “(B) the exhi-  
12 bition of which is” and inserting in lieu thereof “(B)  
13 in the case of international exhibitions,”; and

14 (2) in section 5(b), by inserting before the pe-  
15 riod “for international exhibitions, and  
16 \$5,000,000,000 at any one time for domestic exhibi-  
17 tions”; and

18 (3) in section 5(c), by inserting before the pe-  
19 riod “for international exhibitions, or \$750,000,000  
20 for domestic exhibitions”.

21 SEC. 426. In accordance with authorities available in  
22 section 428, of Public Law 109–54, the Secretary of Agri-  
23 culture and the Secretary of the Interior shall execute an  
24 agreement that transfers management and oversight of  
25 the Great Onyx, Harper’s Ferry, and Oconaluftee Job

1 Corps Centers to the Forest Service. These Job Corps cen-  
 2 ters shall continue to be administered as described in sec-  
 3 tion 147(c) of Public Law 105–220, Workforce Invest-  
 4 ment Act of 1998.

5 SEC. 427. The United States Department of Agri-  
 6 culture, Forest Service shall seek to enter into alternative  
 7 dispute resolution or mediation with the parties in Sierra  
 8 Forest Legacy, et al v. Weingardt, et al, Civil No. C 07–  
 9 2646, and Sierra Club, et al v. Bosworth, et al, Civil No.  
 10 C 05–00397, regarding harvest operations outside of the  
 11 Giant Sequoia National Monument in relation to the deci-  
 12 sions approving the Revised Ice Timber Sale and Fuels  
 13 Reduction Project and the Frog Project, and taking into  
 14 account the terms of the contracts for those projects, and  
 15 in relation to the Record of Decision for the Kings River  
 16 Project, and as appropriate in regard to other disputed  
 17 fuel reduction projects in the area.

18 SEC. 428. Section 636 of division A of the Treasury,  
 19 Postal Service, and General Government Appropriations  
 20 Act, 1997 (5 U.S.C. prec. 5941 note; Public Law 104–  
 21 208), is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1), by striking “or”;

24 (B) in paragraph (2), by striking the pe-  
 25 riod and inserting “; or”; and

1 (C) by adding at the end the following:

2 “(3) a temporary fire line supervisor.”; and

3 (2) in subsection (c)—

4 (A) in paragraph (3), by striking “, and”  
5 and inserting a semicolon;

6 (B) in paragraph (4)(B), by striking the  
7 period at the end and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(5) the term ‘temporary fire line supervisor’  
10 means an employee of the Department of the Inte-  
11 rior or the Forest Service, the duties of which in-  
12 clude temporary supervision to manage a wildland or  
13 managed fire, including an employee that is—

14 “(A) a type 1, 2, or 3 incident commander;

15 “(B) an operations section chief;

16 “(C) a division group supervisor;

17 “(D) a fire use manager; or

18 “(E) a prescribed fire manager or burn  
19 boss.”.

20 This Act may be cited as the “Department of the In-  
21 terior, Environment, and Related Agencies Appropriations  
22 Act, 2008”.

**Calendar No. 221**

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1696**

[Report No. 109-91]

**A BILL**

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending June 30, 2008, and for other purposes.

JUNE 26, 2007

Read twice and placed on the calendar